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MATT BLUNT

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (636) 978-7997	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

PROPOSED RESCISSION

4 CSR 240-3.545 Filing Requirements for Telecommunications Company Rate Schedules. This rule prescribed the form and procedures for filing and publishing schedules of rates of all telephone corporations under the jurisdiction of the Public Service Commission.

PURPOSE: This rule is being rescinded to rewrite it in its entirety.

AUTHORITY: sections 386.250 and 392.220, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded: Filed Jan. 28, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 12, 2004, and should include a reference to Commission Case No. TX-2003-0379. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed rescission is scheduled for April 19, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

PROPOSED RULE

4 CSR 240-3.545 Filing Requirements for Telecommunications Company Tariffs

PURPOSE: This rule prescribes the form and procedures for filing tariffs for all telecommunications companies under the jurisdiction of the Missouri Public Service Commission.

(1) Unless otherwise allowed by statute, a telecommunications company as defined in section 386.020, RSMo, shall file with the Missouri Public Service Commission (commission), a tariff as defined in section (8) of this rule.

(2) Every telecommunications company shall maintain for public inspection, and make available at its principal operating office or on its website, a copy of all current tariffs.

(3) A tariff will be considered as continuing in force until amended in the manner provided for in this rule.

(4) A tariff shall bear a number with the following prefix: PSC Mo. No. _____. Tariffs shall be numbered in consecutive order, commencing with a No. 1 and continuing in numerical order.

(5) A tariff should be electronic or printed on loose-leaf paper, which shall be white, eight and one-half inches by eleven inches (8 1/2" × 11"). The commission may accept other formats for the filing of a tariff.

(6) Each sheet of the tariff shall show in the marginal space at the top of the sheet, the name of the telecommunications company, the

PSC Mo. No. __ of the tariff and the number of the sheet. All sheets of the tariff shall have a sheet number in sequential number format. If tariffs include section numbers, each section will begin with the number one and continue sequentially throughout the section.

(7) The name, title and address of the issuing officer shall appear in the marginal space at the bottom of the sheet. The marginal space at the bottom of the sheet shall also include the notation "Issued, ____ 20____; effective, ____ 20____."

(8) Tariff(s) for all telecommunications services shall contain the following information in the order listed and shall be updated as changes occur:

(A) Company name as registered with the Missouri secretary of state and as certificated by the commission;

(B) Authority granted by the commission, including case number(s);

(C) Waivers of Missouri Statutes and Commission Rules as Granted by the Commission. Include case number(s) if other than case number(s) listed in subsection (8)(B);

(D) The address, telephone number and e-mail address, along with any other suitable means of communications, to which the general public can make requests for information on rates and services;

(E) Table of Contents—Listing of general headings specifying sheet numbers and section numbers, if applicable;

(F) An explanation of reference marks, technical abbreviations and definitions of terms commonly used in the tariff;

(G) For each service, tariffs shall provide the following—

1. The name of the service, which clearly identifies the regulated intrastate offering, as it will be advertised and offered to the customer. Any service name that references a rate will accurately reflect the applicable intrastate rate(s) for the service;

2. A detailed description of the service offered;

3. The specific rates and charges in U.S. dollars and the period of time covered by the rate or charge; and

4. Any terms and customer requirements that affect the rates or charges for the service;

(H) For competitive and incumbent local exchange telecommunications carriers, a tariff shall contain an alphabetical list of the exchange areas served, including state name if other than Missouri. Areas served must follow exchange boundaries of the incumbent local telecommunications company and also be no smaller than an exchange, absent a ruling by the commission under 392.200(4)(2)(b), RSMo 2000.

(9) All original sheets and each subsequent sheet added to a tariff must be designated as an original sheet. All changes to tariffs must be designated "First revised sheet canceling original sheet," "Second revised sheet canceling first revised sheet," etc., and must contain reference marks denoting changes.

(10) A tariff shall be filed with the commission by a duly-designated official of the telecommunications company.

(11) Subject to commission approval, a telecommunications company may concur in the tariff filed by another telecommunications company. The sheet indicating concurrence shall contain language substantially as follows: "The company concurs in the (rules, rates, etc.) governing (name of service) as set forth in (name of company)'s tariff as filed with the Missouri Public Service Commission, including any subsequent changes to (name of company)'s tariff."

(12) Subject to *Missouri Revised Statutes* and commission rules, all telecommunications companies shall file with the commission any changes in rates, charges or rules that affect rates or charges. A proposed change shall be submitted in the form of a revised tariff accompanied by a cover letter and a copy of any customer notice sent or required to be sent as a result of the proposed change. The cover

letter should be limited to approximately one hundred (100) words or less. A copy of the cover letter and any proposed change shall be filed with the commission or submitted electronically through the commission's electronic filing and information system (EFIS), shall be served on the Office of the Public Counsel, and shall be made available for public inspection and reproduction at the telecommunications company's principal operating office or on its website. The cover letter shall identify each proposed change, provide a brief summary of each proposed change, and provide the requested effective date of the revised tariff. The summary shall identify each product or service that will be affected by the proposed change and shall identify the change in the terms and conditions that the telecommunications company proposes for that product or service, including any change or adjustment in the price or fee for that product or service. For each change or adjustment in prices or fees, the summary shall identify:

(A) The current price or fee;

(B) The proposed price or fee;

(C) Whether the change or adjustment results in an increase or decrease in price; and

(D) The percentage change in price.

(13) All telecommunications companies are required to provide a clear and concise statement as to the purpose of the filing when submitting any tariff filing electronically through EFIS. This statement is in addition to the cover letter and shall be entered on the appropriate EFIS tariff submission screen.

(14) All telecommunications companies are required to submit revisions to each PSC Mo No. as a separate filing to be assigned a separate tracking number in EFIS.

(15) All telecommunications companies are required to submit to the commission with the tariff filing, a copy of the notification of rate increases sent to customers pursuant to 4 CSR 240-33.040(3) and a positive affirmation in writing that the notice was sent to customers at least ten (10) days in advance of the rate's effective date.

(16) Missouri statute 392.500 provides that the commission shall be notified at least ten (10) days in advance of proposed rate increases to competitive telecommunications services and that the commission shall be notified at least seven (7) days in advance of proposed decreases to competitive telecommunications services. The seven (7) or ten (10)-day tariff filings for rate decreases and increases are for changes to existing rates only. No other additional tariff changes, except as directed by commission order or as allowed under section (19) below, are permitted on seven (7) or ten (10) days notice. For example, changes to the terms and conditions of existing services, the introduction of new services, or the elimination of existing services still require a thirty (30)-day tariff filing.

(17) When a telecommunications company files a revised tariff or sheet(s) pursuant to a commission order the cover letter shall state that the filing is in compliance with the commission's order in Case No. ____ and shall indicate the location of the changes in the PSC Mo. No. ____.

(18) Except as otherwise provided in this rule, no tariff will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage and allows the full thirty (30) days required by law from date of receipt until effective date requested in the cover letter.

(19) Promotions are those service offerings that provide a reduction or waiver of a tariffed rate for a limited period of time. Promotions are allowed to go into effect after seven (7) days prior notice to the commission for competitive companies and after ten (10) days prior notice to the commission for noncompetitive companies (i.e., incum-

bent local exchange carriers). Promotions must be offered under tariff, and prior notification to the commission via a tariff filing is required. Promotions must have established start and end dates and must be offered in a nondiscriminatory manner.

(20) In the case of a change of name, the telecommunications company shall issue immediately and file with the commission an adoption notice substantially as follows: "The (name of telecommunications company) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all tariffs filed with the Public Service Commission, State of Missouri, by the (name of telecommunications company) prior to (date) or the telecommunications company shall file a new tariff under the new name." Specific requirements for filings regarding telecommunications company name changes are contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.060. In addition to filing the items in 4 CSR 240-2.060, applicant must notify its customers at or before the next billing cycle of a name change and file a copy of that notice with the adoption notice.

(21) Tariffs sent for filing should be addressed to Secretary, Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City, MO 65102.

(22) All telecommunications companies shall provide and update the Manager of the Telecommunications Department of the Commission with the current name, address, telephone number and e-mail address, along with any other suitable means of communications, for the regulatory contact person within the telecommunications company.

(23) Waivers regarding compliance with the requirements of this rule granted under previously used rule numbers such as 4 CSR 240-30.010(2)(C) will continue in effect unless otherwise ordered by the commission.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded and readopted: Filed Jan. 28, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities approximately sixty-five thousand nine hundred dollars (\$65,900) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule and may vary with inflation. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 12, 2004, and should include a reference to Commission Case No. TX-2003-0379. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed rule is scheduled for April 19, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with spe-

cial needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: Missouri Department of Economic Development
 Division: Missouri Public Service Commission
 Chapter: Filing and Reporting Requirements
 Type of Rulemaking: New Rule
 Rule Number and Name: 4 CSR 240-3.545 Filing Requirements for Telecommunications Company Tariffs.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	Class A Local Telephone Companies	\$4,600
37	Class B Local Telephone Companies	\$1,000
80	Class C Local Telephone Companies	\$34,000
500+	Class Interexchange Companies	\$26,300
	All entities	\$65,900

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all classes of telecommunications companies certificated by the Missouri Public Service Commission.
2. The estimated number of entities affected by the proposed rule reflects the total number of companies certificated within Missouri that may submit tariff revisions.
3. The estimate in the aggregate assumes a 20 % annual increase in the number of tariff filings submitted in the Missouri Public Service Commission's Electronic Filing and Information System during fiscal year 2003.
4. For the most part, the proposed rule updates the current rule's processes, terminology and technology. A new requirement was added to provide current regulatory contact information for the companies. The fiscal impact is expected to be minimal because the requirement can be accomplished via e-mail, letter, telephone call, etc.
5. The items to be included in an accompanying cover letter were also modified. The estimate is based on feedback from those entities that submit approximately one-third of the total tariff filings received each year and are expected to continue to submit tariffs in the future. The estimates reflect additional costs those entities expect to incur to complete the additional cover letter requirements.
6. The estimates were compiled and averaged by the Missouri Public Service Commission Staff to determine the annual impact for all entities in a classification. The Staff then extrapolated the estimated increase over the total number of tariff filings received in a year from each classification.

IV. ASSUMPTIONS

1. Fiscal year 2003 dollars were used to estimate costs. No adjustment for inflation is applied.
2. Estimates assume no sudden change in technology that would influence costs.
3. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

PROPOSED AMENDMENT

4 CSR 240-3.555 Telecommunications Company Residential Customer Inquiries. The Public Service Commission is amending this rule to add a new subsection (2)(J).

PURPOSE: This amendment requires telecommunications companies to provide notice of the availability of Lifeline and Link-up services to residential customers.

(2) A telecommunications company shall prepare a statement which in layman's terms describes the rights and responsibilities of both the telecommunications company and its customers under this chapter. This statement shall appear in the front part of the telephone directory or the telecommunications company will mail or otherwise deliver such statement to its existing and new customers. If multiple telecommunications companies are represented in a directory, and each has identical statements of rights and responsibilities, the information need only appear once. Upon request the statement shall be submitted to the commission, its staff, or Office of the Public Counsel. The statement shall include descriptions of:

(H) The telephone number and address of all offices of the Missouri Public Service Commission and the statement that this company is regulated by the Missouri Public Service Commission; *[and]*

(I) The address and telephone number of the Office of the Public Counsel and a statement of the function of that office~~[/]; and~~

(J) Where provided, a prominent description of Lifeline and Link-up services.

AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Jan. 28, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received at the commission's offices within thirty (30) days of publication in the *Missouri Register*, and should include a reference to Commission Case No. TX-2001-512. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing is scheduled for April 23, 2004, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 33—Service and Billing Practices
for Telecommunications Companies**

PROPOSED AMENDMENT

4 CSR 240-33.010 General Provisions. The Public Service Commission is amending section (4) of this rule to delete the requirement to notify the commission upon compliance with the proposed rule revisions.

PURPOSE: This amendment removes the requirement to notify the commission upon compliance with the proposed revisions to Chapter 33.

(4) All telecommunications companies shall be in compliance with this chapter within six (6) months after the effective date of this rule *[and shall notify the commission of such compliance]*.

AUTHORITY: sections 386.040, [RSMo 1994] 386.250 RSMo 2000 and 392.200, RSMo [2000] Supp. 2003. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000. Amended: Filed Jan. 28, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 33—Service and Billing Practices
for Telecommunications Companies**

PROPOSED AMENDMENT

4 CSR 240-33.020 Definitions. The Public Service Commission is amending sections (3), (18) and (25), adding new sections and renumbering the sections accordingly.

PURPOSE: This amendment adds definitions for casual calling customer, cyclical billing, passcode, presubscribed customer, traffic aggregator and transient customer. The amendment incorporates minor text corrections.

(3) Basic local telecommunications service is basic local telecommunications service as defined in section 386.020(4), RSMo [Supp. 1998] 2000.

(7) Casual calling customer is an unidentifiable customer that accesses the telephone network by a dial around pattern such as 10-10-XXX.

[(7)] (8) Complaint is a complaint as defined in 4 CSR 240-2.070.

[(8)] (9) Customer is any individual that accepts financial and other responsibilities in exchange for telecommunications service.

(10) Cyclical billing results when the bill is rendered on or about the same day of each month.

[(9)] (11) Delinquent account is an account which has undisputed charges that are not paid in full by the due date.

[(10)] (12) Deposit is a money advance to a telecommunications company for the purpose of securing payment for telecommunications services.

[(11)] (13) Discontinuance of service or discontinuance is a cessation of service not requested by a customer.

[(12)] (14) Guarantee is a written promise from a responsible party to assume liability.

[(13)] (15) In dispute is any matter regarding a charge or service which is the subject of an unresolved inquiry.

[(14)] (16) Inquiry is any written, electronic or oral comment or question regarding a charge or service.

[(15)] (17) Letter of agency is a letter or other document sent by a customer to a telecommunications company authorizing the telecommunications company to change the telecommunications service provider for that customer.

[(16)] (18) New customer is any customer who has no prior service history with the telecommunications company with whom service is being requested.

[(17)] (19) Operator services is operator services as defined in section 386.020(37), RSMo [Supp. 1998] 2000.

(20) Passcode is a valid password or personal identification number that must be entered to access toll services.

[(18)] (21) Pay telephone is a coin or non-coin telephone installed or use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.

[(19)] (22) Preferred payment date plan is a plan in which the due date for the charges stated on a bill is the same date in each billing period as selected by the customer.

(23) Presubscribed customer is any customer of record of the telecommunications company.

[(20)] (24) Prospective customer is any individual with whom or by whom service is being requested.

[(21)] (25) Rendition of a bill is the date a bill is mailed, posted electronically or otherwise sent to a customer.

[(22)] (26) Settlement agreement is an agreement between a customer and a telecommunications company which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the customer's normal billing period.

[(23)] (27) Tariff is a statement by a telecommunications company that sets forth the services offered by that company, and the rates, terms and conditions for the use of those services.

[(24)] (28) Telecommunications company is a telephone corporation as defined in section 386.020(51), RSMo [Supp. 1998] 2000.

[(25)] (29) Termination of service or termination is a cessation of service requested by a customer.

(30) Traffic aggregator is an entity that provides transient customer access to telecommunications services, i.e., a hotel owner or a payphone owner.

(31) Transient customer is a user that is an unidentifiable customer that accesses telecommunications services through the use of a traffic aggregator such as payphones or hotels.

AUTHORITY: sections 386.040, [RSMo 1994] 386.250, RSMo 2000 and 392.200, RSMo [Supp. 1998] Supp. 2003. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000. Amended: Filed Jan. 28, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received at the commission's offices within thirty (30) days of publication in the Missouri Register, and should include a reference to Commission Case No. TX-2001-512. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing is scheduled for April 23, 2004, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

PROPOSED RESCISSION

4 CSR 240-33.030 Minimum Charges Rule. This rule required all telephone utilities to inform prospective customers at the time service was requested and at the time a contract for service was entered into of the lowest cost service available and the lowest cost one party service available and the lowest equipment cost available for such types of service so that prospective customers are aware of the lowest cost service and equipment available.

PURPOSE: This rule is being rescinded because with the many services and bundles of services that are offered in the telecommunications industry, it is no longer feasible for a telecommunications company to inform prospective customers of the lowest cost service and equipment available.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded: Filed Jan. 28, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received at the commission's offices within thirty (30) days of publication in the *Missouri Register*, and should include a reference to Commission Case No. TX-2001-512. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing is scheduled for April 23, 2004, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

PROPOSED AMENDMENT

4 CSR 240-33.040 Billing and Payment Practices for Residential Customers. The Public Service Commission is amending this rule to add new sections (1) and (4) and to amend subsection (8)(F), and renumber all sections accordingly.

PURPOSE: This amendment adds billing and payment practices and customer notification requirements to be observed by telecommunications companies for residential customers.

(1) A telecommunications company, when discussing regulated service plans and packages with customers and/or potential customers, shall clearly identify the exact name and rates associated

with that plan or package as advertised and as tariffed pursuant to 4 CSR 240-3.545(8)(G)1.

[[1]] (2) A telecommunications company, after the initial bill for new service is rendered, shall render a bill during each billing period except when the bill has a "00" balance.

[[2]] (3) Except where otherwise authorized by these rules, a telecommunications company may render bills on a cyclical basis if the bill is rendered on or about the same day of each month or as otherwise agreed to by the customer.

(4) A company proposing to increase rates for a regulated telecommunications service must provide at least ten (10) days advance written notice, or thirty (30) days advance written notice in the case of a small telephone company as defined in section 392.230.5, RSMo, to affected customers with whom the company has an on-going business relationship. This requirement includes written notification to a presubscribed customer if a company proposes to increase rates for any service available to the presubscribed customer. Increases in billing increments are considered rate increases and are subject to section 392.500, RSMo. Written notification must be provided to the presubscribed customer for services available to that presubscribed customer but billed to another party such as collect calls or calls billed to a third number. Bill inserts, bill messages and direct mailings are acceptable forms of customer notice. Written notification is not required if the affected service with the proposed rate increase regularly announces the applicable rate prior to each time the customer uses the service. Written notification is also not required if the affected service is solely provided to the transient or casual calling customer.

[[3]] (5) If a telecommunications company does not expressly offer a preferred payment date plan, a customer shall have at least twenty-one (21) days from the rendition of a bill to pay the charges stated. If the charges remain unpaid for twenty-one (21) days from rendition of the bill such charges will be deemed delinquent.

[[4]] (6) If a telecommunications company has a preferred payment date plan which it has expressly offered to all its customers, the charges are due on or before the due date under the plan. Charges not paid by the due date may be deemed delinquent.

[[5]] (7) A telecommunications company may assess a penalty charge upon a delinquent account. Such charge shall be specifically stated in the company's tariff.

[[6]] (8) Every bill shall clearly state—

- (A) The number of access lines for which charges are stated;
- (B) The beginning or ending dates of the billing period for which charges are stated;
- (C) A statement of the date the bill becomes delinquent if not paid;
- (D) Penalty fees and advance payments, if any;
- (E) The unpaid balance, if any;
- (F) The amount due for basic local service or the packaged rate if basic local service is bundled with other services in a package;
- (G) An itemization of the amount due for all other regulated or nonregulated services including the date and duration (in minutes or seconds) of each toll call if such service is provided as an individual service;

(H) The amount due for all other regulated or nonregulated services offered at a packaged rate and an itemization of each service included in the package;

(I) An itemization of the amount due for taxes, franchise fees and other fees and/or surcharges which the telecommunications company, pursuant to its tariffs, bills to customers;

(J) The total amount due;

(K) A toll free telephone number where inquiries and/or dispute resolutions may be made for each company with charges appearing on the customer's bill;

(L) The amount of any deposit, advance payments and/or interest accrued on a deposit which has been credited to the charges stated; and

(M) Any other credits and charges applied to the account during the current billing period.

[(7)] (9) The amount of any deposit held by the company and the interest accrual rate shall be stated on the first bill for which a customer received service and on the last bill for which the customer received service.

[(8)] (10) During the first billing period in which a customer receives service, a customer must receive a bill insert or other written notice that contains an itemized account of the charges for the equipment and service for which the customer has contracted.

AUTHORITY: sections 386.040, [RSMo 1994], 386.250, RSMo 2000 and 392.200, RSMo [Supp. 1998] Supp. 2003. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Amended: Filed Dec. 31, 1979, effective Sept. 2, 1980. Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000. Amended: Filed Jan. 28, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices
for Telecommunications Companies**

PROPOSED AMENDMENT

4 CSR 240-33.060 Residential Customer Inquiries. The Public Service Commission is adding a new section (1), renumbering old section (1) to section (2) and adding new sections (3)–(7).

PURPOSE: This amendment establishes procedures to be followed when residential customers make inquiries of telecommunications companies so that such inquiries are handled in a reasonable man-

ner and adds language to allow residential customers to block certain types of calls. Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.555.

(1) All bills shall clearly identify the company name associated with the toll free number the customers will be calling for billing inquiries and/or to cancel their previously granted consent to certain services that will be charged on the telephone bill.

[(1)] **(2) A telecommunications company shall establish personnel procedures which ensure that personnel shall be available during normal business hours to accept customer inquiries within a reasonable time after such inquiries are made by telephone or in person. Within a reasonable time after accepting such an inquiry, a telecommunications company will make available appropriate personnel to handle the inquiry. A telecommunications company shall provide a toll free telephone number for customer inquiries.**

(3) Upon request of a customer by electronic communications or by writing, all telecommunications carriers shall restrict all 900 numbers from that customer's number at no charge to that customer.

(4) Upon request of a customer by electronic communications or by writing, the telecommunications carrier providing service to state correctional facilities shall restrict all calls from state correctional facilities to that customer's number at no charge to that customer.

(5) Upon request of a customer by electronic communications or by writing, all interexchange telecommunications carriers shall restrict all toll calls without a valid passcode from that customer's number.

(6) Upon request of a customer by electronic communications or by writing, and where technically feasible, local telecommunications carriers shall restrict all calls using a 10-10-XXX dialing pattern from that customer's number.

(7) Customers shall be notified of their rights in sections (3), (4), (5) and (6) above at the time of application for service. Additional notice shall be provided annually thereafter by bill insert, statement on customer bills or annually in the telephone directory. Each time a customer notifies a telecommunications carrier or its billing agent that the customer's bill contains charges for products or services that the customer did not order or that were not received, the customer will be informed of their rights in sections (3), (4), (5) and (6) at the time the customer notifies the telecommunications carrier or its billing agent.

AUTHORITY: sections 386.040, 386.250, RSMo 2000 and 392.200, RSMo [2000] Supp. 2003. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000. Amended: Filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Jan. 28, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities two thousand dollars (\$2,000).

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Commission Case No. TX-2001-512. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing is scheduled for April 23, 2004, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Missouri Department of Economic Development
Division: Missouri Public Service Commission
Chapter: Service and Billing Practices for Telecommunications Companies
Type of Rulemaking: Revision
Rule Number and Name: 4 CSR 240-33.060 Residential Customer Inquiries

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	Class A Local Telephone Companies	\$0
37	Class B Local Telephone Companies	\$2000
80	Class C Local Telephone Companies	\$0
500+	Class Interexchange Companies	\$0
	All entities	\$2000

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all classes of telecommunications companies certificated by the Missouri Public Service Commission. These companies have reviewed the proposed rule and have provided fiscal impact projections. The above information is based on those projections and is a one time cost to make modifications to existing network equipment.

IV. ASSUMPTIONS

1. Fiscal year 2003 dollars were used to estimate costs. No adjustment for inflation is applied.
2. Estimates assume no sudden change in technology that would influence costs.
3. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 33—Service and Billing Practices
for Telecommunications Companies**

PROPOSED AMENDMENT

4 CSR 240-33.070 Discontinuance of Service to Residential Customers. The Public Service Commission is removing subsection (1)(C) and amending section (3), adding new sections (8)–(10) and renumbering the remaining sections.

PURPOSE: This amendment modifies procedures for blocking calls due to illegal or unauthorized use. This amendment adds the ability to provide electronic notice to residential customers that service will be discontinued.

(1) Telecommunications service may be discontinued for any of the following reasons:

[(C)] **Unauthorized use of telecommunications company equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment;**

[(D)] **(C) Failure to comply with terms of a settlement agreement;**

[(E)] **(D) Refusal after reasonable notice to permit inspection, maintenance or replacement of telecommunications company equipment;**

[(F)] **(E) Material misrepresentation of identity in obtaining telecommunications company service; or**

[(G)] **(F) As provided by state or federal law.**

(3) A telecommunications company may place global toll blocking and eliminate any optional, non-basic calling features and functions for customer nonpayment of delinquent charges for other than basic local telecommunications service. **Nonpayment of the Missouri USF surcharge shall be considered nonpayment of basic local telecommunications services for the purposes of this rule.**

(8) **In lieu of the written notice referenced in sections (6) and (7) above, and upon customer request, a telecommunications company may provide the information contained in the written notice of discontinuance of basic local telecommunications service in electronic format.**

(9) **Service may be immediately blocked or discontinued in the case of:**

(A) Suspected illegal use; or

(B) Unauthorized use of telecommunications company equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment.

(10) **If service is immediately blocked or discontinued pursuant to section (9) above, the telecommunications carrier will provide immediate written notification of such blocking or discontinuance to the customer by certified, overnight mail or door hanger.**

[(8)] **(11) Notwithstanding any other provision of this chapter, a telecommunications company shall postpone a discontinuance for at least twenty-one (21) days if service is necessary to obtain emergency medical assistance for a person who is a member of the household where the telephone service is provided and where such person is under the care of a physician. Any person who alleges such emergency, if requested, shall provide the telecommunications company with reasonable evidence of such necessity.**

[(9)] **(12) Upon the customer's request, a telecommunications company shall restore service consistent with all other provisions of this chapter when the cause of discontinuance has been eliminated.**

[(10)] **(13) Payment by personal check may be refused if the customer, within the last twelve (12) months, has tendered payment in this manner and the check has been dishonored, except when the dishonor is due to bank error.**

AUTHORITY: sections 386.040, 386.250, RSMo 2000 and 392.200, RSMo [2000] Supp. 2003. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 28, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Division 240—Public Service Commission
Chapter 33—Service and Billing Practices
for Telecommunications Companies**

PROPOSED AMENDMENT

4 CSR 240-33.080 Disputes by Residential Customers. The Public Service Commission is amending this rule to add a new section (1) and subsequent renumbering.

PURPOSE: This amendment establishes a requirement that all bills clearly identify the name of the company that will be contacted for billing inquiries.

(1) All bills shall clearly identify the company name associated with the toll free number the customer will be calling for billing inquiries.

[(1)] **(2) A customer shall advise a telecommunications company that all or part of a charge is in dispute by written notice, in person or by a telephone message directed to the telecommunications company during normal business hours. A dispute must be registered with the**

utility prior to the delinquent date of the charge for a customer to avoid discontinuance of service as provided by these rules.

[(2)] (3) When a customer advises a telecommunications company that all or part of a charge is in dispute, the telecommunications company shall record the date, time and place the inquiry is made; investigate the inquiry promptly and thoroughly; and attempt to resolve the dispute in a manner satisfactory to both parties.

[(3)] (4) Failure of a customer to cooperate with the telecommunications company in efforts to resolve an inquiry which has the effect of placing charges in dispute shall constitute a waiver of the customer's right to continuance of service under this chapter.

[(4)] (5) If a customer disputes a charge, the customer shall pay an amount to the telecommunications company equal to that part of the total bill not in dispute. The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior usage, the nature of the dispute and any other pertinent factors in determining the amount not in dispute. The telecommunications company shall not discontinue service to a customer for nonpayment of charges in dispute while that dispute is pending.

[(5)] (6) If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the telecommunications company, at the company's option, an amount not to exceed fifty percent (50%) of the charge in dispute or an amount based on usage during a like period under similar conditions which shall represent the amount not in dispute. The telecommunications company shall not discontinue service to a customer for nonpayment of charges in dispute while that dispute is pending.

[(6)] (7) Failure of the customer to pay to the telecommunications company the amount not in dispute within four (4) working days from the date that the dispute is registered or by the delinquent date of the disputed bill, whichever is later, shall constitute a waiver of the customer's right to continuance of service and the telecommunications company may then proceed to discontinue service as provided in this rule.

[(7)] (8) If the dispute is ultimately resolved in the favor of the customer in whole or in part, any excess moneys paid by the customer shall be refunded promptly.

[(8)] (9) If the telecommunications company does not resolve the dispute to the satisfaction of the customer, the telecommunications company representative shall notify the customer that each party has a right to make an informal complaint to the commission, and of the address and telephone number where the customer may file an informal complaint with the commission. If a customer files an informal complaint with the commission prior to advising the telecommunications company that all or a portion of a bill is in dispute, the commission shall notify the customer of the payment required by sections (5) and (6) of this rule.

[(9)] (10) After resolution of the customer complaint, a telecommunications company may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already determined and is not required to comply with these rules more than once prior to discontinuance of service.

AUTHORITY: sections 386.040[, RSMo 1994] and 386.250, RSMo 2000 and 392.200, RSMo [Supp. 1998] Supp. 2003. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000. Amended: Filed Jan. 28, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received at the commission's offices within thirty (30) days of publication in the Missouri Register, and should include a reference to Commission Case No. TX-2001-512. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing is scheduled for April 23, 2004, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 33—Service and Billing Practices for Telecommunications Companies

PROPOSED AMENDMENT

4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider. The Public Service Commission is amending section (3), adding a new section (4) and renumbering the remaining sections accordingly.

PURPOSE: This amendment addresses the change of a customer's preferred telecommunications carrier in the case of mergers, consolidations or the sale, assignment, lease or transfer of assets.

(3) Verification of Orders for Telecommunications Service.

(B) The telecommunications carrier has obtained the subscriber's written authorization in a form that meets the requirements of 4 CSR 240-33.150/(4)/(5).

(C) The telecommunications carrier has obtained the subscriber's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number(s) on which the preferred carrier is to be changed and must confirm the information required in section [(4)](5) of this rule. Telecommunications carriers electing to confirm sales electronically shall establish one (1) or more toll free telephone numbers exclusively for that purpose. Calls to the number(s) shall connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier change, including automatically recording the originating automatic numbering identification.

(4) Changes in subscriber carrier selections as a result of merger or consolidation or the sale, assignment, lease or transfer of assets.

(A) A telecommunications carrier may submit or execute a change in a subscriber's provider of telecommunications service

on behalf of the subscriber without obtaining authorization and verification in accordance with the procedures prescribed in 4 CSR 240-33.150(2) and 4 CSR 240-33.150(3) when such change is a result of merger or consolidation or the sale, assignment, lease or transfer of assets approved by the commission.

(B) A telecommunications carrier will notify all subscribers of such change through a notice in each subscriber's bill at least thirty (30) days prior to the effective date of the change.

(C) A telecommunications carrier will notify all subscribers of the right to switch to another service provider.

[(4)] (5) Letter of Agency Form and Content.

(A) A telecommunications carrier may use a letter of agency to obtain written authorization and/or verification of a subscriber's request to change his or her preferred carrier selection. A letter of agency that does not conform with this section is invalid for purposes of 4 CSR 240-33.150.

(B) The letter of agency shall be a separate document (or an easily separable document) containing only the authorizing language described in subsection (E) of this section having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone line(s) requesting the preferred carrier change.

(C) The letter of agency shall not be combined on the same document with inducements of any kind.

(D) Notwithstanding subsections (B) and (C) of this section, the letter of agency may be combined with checks that contain only the required letter of agency language as prescribed in subsection (E) of this section and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the front of the check, a notice that the subscriber is authorizing a preferred carrier change by signing the check. The letter of agency language shall be placed near the signature line on the back of the check.

(E) At a minimum, the letter of agency shall be printed with a type of sufficient size and readable type to be clearly legible and shall contain clear and unambiguous language that confirms—

1. The subscriber's billing name and address and each telephone number to be covered by the preferred carrier change order;

2. The decision to change the preferred carrier from the current telecommunications carrier to the soliciting telecommunications carrier;

3. That the subscriber designates the submitting carrier to act as the subscriber's agent for the preferred carrier change;

4. That the subscriber understands that only one (1) telecommunications carrier may be designated as the subscriber's interstate or interLATA preferred interexchange carrier for any one (1) telephone number. The letter of agency shall contain separate statements regarding intraLATA/intrastate and interLATA/interstate, although a separate letter of agency for each choice is not necessary; and

5. That the subscriber understands that any preferred carrier selection the subscriber chooses may involve a charge to the subscriber for changing the subscriber's preferred carrier.

(F) Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the subscriber.

(G) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current telecommunications carrier.

(H) If any portion of a letter of agency is translated into another language then all portions of the letter of agency shall be translated into that language. Every letter of agency shall be translated into the same language as any promotional materials, oral descriptions or instructions provided with the letter of agency.

[(5)] (6) Preferred Carrier Freezes.

(A) A preferred carrier freeze (or freeze) prevents a change in a subscriber's preferred carrier selection unless the subscriber gives the carrier from whom the freeze was requested his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this section.

(B) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory basis to all subscribers, regardless of the subscriber's carrier selections.

(C) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.

(D) Solicitation and Imposition of Preferred Carrier Freezes.

1. All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:

A. An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;

B. A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the commission's verification rules in sections 4 CSR 240-33.150(2) and (3) for changing a subscriber's preferred carrier selections; and an explanation that the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze; and

C. An explanation of any charges associated with the preferred carrier freeze.

2. No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one (1) of the following procedures:

A. The local exchange carrier has obtained the subscriber's written and signed authorization in a form that meets the requirements of 4 CSR 240-33.150[(4)](5); or

B. The local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth) and the information required in section [(4)](5). Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more tollfree telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or

C. An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth) and the information required in section [(4)](5). The independent third party must—1) not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; 2) must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and 3) must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze.

3. Written authorization to impose a preferred carrier freeze. A local exchange carrier may accept a subscriber's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this section is invalid and may not be used to impose a preferred carrier freeze.

A. The written authorization shall comply with section [(4)](5) of the commission's rules concerning the form and content for letters of agency.

B. At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms—

(I) The subscriber's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;

(II) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA/interstate toll service, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;

(III) That the subscriber understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and

(IV) That the subscriber understands that any preferred carrier freeze may involve a charge to the subscriber.

(E) Procedures for Lifting Preferred Carrier Freezes. All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze:

1. A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written and signed authorization stating her or his intent to lift a preferred carrier freeze; and

2. A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three (3)-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. When engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth) and the subscriber's intent to lift the particular freeze.

[[6]] (7) Carrier Liability for Charges. Any submitting telecommunications carrier that fails to comply with the procedures prescribed in 4 CSR 240-33.150 shall be liable to the subscriber's properly authorized carrier in an amount equal to all charges paid to the submitting telecommunications carrier by such subscriber after such violation. The remedies provided in 4 CSR 240-33.150 are in addition to any other remedies available at law.

AUTHORITY: sections 386.040 [1994], 386.250, [392.200,] and 392.540, [Supp. 1998] RSMo 2000 and 392.200, RSMo Supp. 2003. Emergency rule filed Oct. 21, 1998, effective Jan. 1, 1999, expired June 29, 1999. Emergency rule filed June 17, 1999, effective June 30, 1999, terminated Nov. 30, 1999. Original rule filed July 8, 1999, effective Nov. 30, 1999. Amended: Filed Jan. 28, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received at the commission's offices within thirty (30) days of publication in the *Missouri Register*, and should include a reference to Commission Case No. TX-2001-512. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing is scheduled

for April 23, 2004, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

Title 7—DEPARTMENT OF TRANSPORTATION

Division 10—Missouri Highways and Transportation Commission

Chapter 1—Organization; General Provisions

PROPOSED RULE

7 CSR 10-1.020 Subpoenas

PURPOSE: Senate Bill 1202, 91st General Assembly, 2nd Regular Session, 2002, transferred to the commission and MoDOT all powers, duties and functions of the Division of Motor Carrier and Railroad Safety, including those specifically provided for under section 622.360, RSMo, to issue subpoenas to compel the attendance of witnesses and the production of documents and other evidence in furtherance of investigations into alleged unlawful activity within its jurisdiction. This rule provides the procedure for requesting such subpoenas.

(1) A request for a subpoena as authorized by section 622.360, RSMo, requiring a person to appear and give sworn testimony, or to appear and produce documents, records, or other physical evidence, shall be by signed writing directed to either the director of administrative services, motor carrier services, or multimodal operations. The signed, written request shall include the name and address of the witness to be served, propose a suitable time and place for the witness's appearance, and reasonably describe the documents, records, or other physical evidence to be produced. In the case of corporate entities, the request may name the corporation and its registered agent for service of process, and defer to the corporation the designation of the person to appear to so testify or produce the particular documents, or records, or other physical evidence to be produced.

(2) Upon receipt of a request under section (1) of this rule, the director of administrative services, motor carrier services, or multimodal operations may sign and issue a subpoena. A subpoena may be served by Missouri Department of Transportation (MoDOT) employees and such other persons authorized by law to serve process. Service shall be by personal service on the named witness or service on the registered agent of any named corporation. Within ten (10) days of service of a subpoena, a return of service shall be made to the director that signed and issued the subpoena.

(3) A subpoena may be enforced by application by the chief counsel to the circuit court of Cole County or any other county in this state where the named witness or corporation shall reside or be found.

AUTHORITY: section 226.008, RSMo Supp. 2003. Original rule filed Jan. 27, 2004.

PUBLIC COST: This proposed rule is estimated to cost the department one thousand seven hundred nine dollars (\$1,709) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost motor carriers three thousand four hundred seventy-nine dollars (\$3,479) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days (30) after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 1 - Organization; General Provisions

Rule Number and Name:	7 CSR 10-1.020 Subpoenas
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost in the Aggregate.
Missouri Department of Transportation	Total Estimated Cost per year <u>\$1,709.00</u>

III. WORKSHEET

MO Dept. of Transportation Employees	Cost Involved
Field Inspector	\$180.31
Regional Supervisor	\$15.29
Program Supervisor	\$7.00
Senior Secretary	\$0.95
Enforcement Manager	\$4.50
Chief Counsel Legal Staff	\$76.78

Motor Carrier Safety Staff:

Field Inspector

- (consult with Regional Supervisor) 30 min.
 - (e-mail report) 30 min.
 - (personally deliver subpoena to carrier) Total = 3.5 hrs. and 126 miles with state vehicle
 - o (receive subpoena written by CCO & forwarded by Senior Secretary) 5 min.
 - o (drive to carrier's place of business (average two 63 mile round trips) 3 hrs.
 - o (contact with carrier official) 15 minutes (to include wait time)
 - o (document service of subpoena) 5 min.
 - o (mail to MCS – for Senior Secretary to distribute) 5 min.
 - Time spent in meeting with Carrier complying with subpoena 8 hours
- Regional Supervisor**
- (consult with Field Inspector) 30 min.
 - (forward e-mailed report to Program Supervisor) 15 min.

Program Supervisor

- (review and forward e-mailed report to Enforcement Mgr) 10 min.
- (forward e-mailed report to CCO) 5 min.
- (receives delivered subpoena documentation and forwards to CCO) 5 min.

Enforcement Manager

- (approval of need for subpoena) 10 min.

Senior Secretary

- (mail completed subpoena from CCO to Field Inspector) 5 min.
- (receives completed documentation and delivers to Prog. Spvrs.) 5 min.

min

Chief Counsel's Office Staff:

- Assistant Counsel time (one attorney and one support staff together) 2 hours

Total Estimated Costs for FY 2004 and Subsequent Years
(\$284.83 per subpoena)

\$1,709.00

IV. ASSUMPTIONS

1. All salary figures are based upon the present pay grade of employees involved in the operation of the Motor Carrier Services Unit.
2. Supplies and equipment costs are based on FY'03 calculations and existing equipment available.
3. Mileage cost for Inspectors delivering the subpoena is taken from an average of miles driven for field Inspectors.
4. The number of subpoenas per year was estimated by calculating the percentage of subpoenas obtained as compared to the number of Compliance Reviews (CRs) conducted in a year. Over the last four (4) years, an average 1% of all CRs involved obtaining a subpoena. Accordingly, the more Compliance Reviews conducted the more subpoenas issued. Last year 534 CRs were conducted with six (6) subpoenas issued. With current staffing, the number of CRs should not increase.
5. Any other costs not identified in this fiscal note are unforeseeable.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 1 - Organization; General Provisions

Rule Number and Name:	7 CSR 10-1.020 Subpoenas
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the Number of Entities by class which would likely be affected by the adoption of the rule:	Classification by types of business entities which would be affected:	Estimated Cost in the Aggregate.
6	Carriers regulated by Motor Carrier Services	Total Estimated Cost per year \$3,479.00

III. WORKSHEET

- Meet with Field Inspector (5 minutes)
- Read Subpoena (20 minutes)
- Legal Review: Read and forward to Attorney (20 minutes)
 - Attorney Review and response (1.5 hours)
- Prepare items requested by subpoena (4 hours)
- Travel to regional office (in rare occasions to Jefferson City) (115 miles on personal vehicle & 2.5 hours)
- Time spent in meeting (8 hours)

Total Estimated Costs for FY 2004 and Subsequent Years \$3,479.00
(\$579.83 per subpoena)

IV. ASSUMPTIONS

1. Carrier costs were estimated using data from the Missouri Department of Economic Development, Missouri Economic Research and Information Center. The annual mean was based on the Missouri Occupational Employment and Wage Data using the "First-Line Supervisors/Managers of Transportation and Material-Moving Machine and Vehicle Operators" category.
2. Legal review was estimated by contacting and calculating an average of three transportation attorney's time and charges for reviewing and dispensing guidance regarding the compliance with the subpoena.
3. The number of subpoenas per year was estimated by calculating the percentage

of subpoenas obtained as compared to the number of Compliance Reviews (CRs) conducted in a year. Over the last 4-years, an average 1% of all CRs involved obtaining a subpoena. Accordingly, the more Compliance Reviews conducted the more subpoenas issued. Last year 534 CRs were conducted with 6 subpoenas issued. With current staffing, the number of CRs should not increase.

4. Any other costs not identified in this fiscal note are unforeseeable.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

PROPOSED AMENDMENT

11 CSR 45-1.020 Commission Meetings. The commission is adding a new section (4).

PURPOSE: The commission proposes to amend this rule by adding a provision whereby the commissioners may delegate to the chairman of the commission limited authority to extend existing licenses for up to sixty (60) days.

(4) The commission may delegate to the chairman of the commission the limited authority to extend any existing license for up to sixty (60) days without a prior vote of the commission. Any action taken by the chairman pursuant to such delegation of authority shall have the full force and effect of a majority vote of the commission, but must be ratified by a subsequent majority vote of the commission at the next public meeting. If such action is not ratified by the commission as provided herein, such action shall be cancelled, withdrawn or rescinded as of the date of the public commission meeting at which the ratification failed. Such delegation of commission authority to the chairman shall expire twelve (12) months after its adoption by a majority of the commission, unless rescinded or renewed by the commission prior to its expiration.

AUTHORITY: sections 313.004 and 313.805, RSMo [Supp. 1993] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 23, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10 a.m. on April 20, 2004, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 10—Licensee's Responsibilities**

PROPOSED AMENDMENT

11 CSR 45-10.030 Licensee's Duty to Report and Prevent Misconduct. The commission is adding new sections (4) and (5).

PURPOSE: The commission proposes to amend this rule by adding requirements that licensees take reasonable actions to safeguard assets and information.

(4) Licensees shall take reasonable actions to safeguard from loss all tokens, tickets, chips, checks, funds, and other gaming assets.

(5) Licensees shall take reasonable actions to safeguard from loss, tampering, alteration, destruction, and unauthorized access to all gaming-related reports, records, files, automated data, and data systems.

AUTHORITY: sections 313.004, 313.800, 313.805, 313.807 and 313.812, RSMo [Supp. 1993] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 23, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10 a.m. on April 20, 2004, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

PROPOSED AMENDMENT

11 CSR 50-2.400 Emission Test Procedures. The division proposes to amend paragraph (2)(B)6., subsection (3)(B), add new paragraphs (3)(B)1. and (3)(B)2., amend paragraph (3)(E)1., amend paragraph (3)(F)1., amend subparagraphs (3)(F)2.A and (3)(F)2.B., delete paragraph (5)(E)2., and amend subparagraph (7)(A)2.A.

PURPOSE: This amendment is being made to comply with Senate Bill 54, effective August 28, 2003, as it pertains to the frequency of motor vehicle emissions inspections in Franklin County. Sections (2), (3), (5) and (7) are amended to reflect that the vehicle emissions inspections for Franklin County are biennial instead of annual.

(2) Applicability.

(B) The following vehicles are exempt from this rule:

1. Motor vehicles with a manufacturer's GVWR in excess of eight thousand five hundred (8,500) pounds;
2. Motorcycles and motor tricycles;
3. Model-year vehicles prior to 1971;
4. School buses;
5. Diesel-powered vehicles;
6. New and unused motor vehicles [not previously titled or registered, prior to the initial motor vehicle registration or the next succeeding registration which is required by law] of model years of the current calendar year and of any calendar year within two (2) years of such calendar year, which have an odometer reading of less than six thousand (6,000) miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user; and
7. Motor vehicles registered in the area covered by this section, but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of the vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area.

(3) General Requirements.

(B) Vehicle Emission Inspection Interval. *[Vehicles subject to this rule shall have their vehicle emission inspected on an annual basis except for those owners that elect to have their vehicle emission inspected on a biennial basis.]*

1. Vehicles subject to this rule, manufactured as an odd-numbered model year vehicle are required to be inspected by the basic emission inspection program in each odd-numbered calendar year. Vehicles subject to this rule, manufactured as an even-numbered model year vehicle are required to be inspected by the basic emission inspection program in each even-numbered calendar year.

2. At the time of registration transfer, subject vehicles are required by section 307.380.1, RSMo to be inspected by the basic emission inspection program, regardless of the vehicle model year. At the time of registration transfer, prior to sale of a vehicle, sellers of vehicles are required to provide the purchaser with an emission inspection compliance certificate or compliance waiver that is valid for registering the vehicle.

(E) Emission Inspection Fee.

1. The vehicle owner or driver shall pay *[ten dollars and fifty cents (\$10.50)] twenty-four dollars (\$24)* to the centralized emission inspection station.

2. This fee shall also include free reinspections, provided the vehicle owner or driver complies with all reinspection requirements as required in subsection (3)(G) of this rule, and the reinspections are conducted within twenty (20) consecutive days of the initial inspection excluding Saturday, Sunday and holidays.

(F) Vehicle Inspection Process. The emission inspection shall consist of emission tests and functional tests, which shall be subject to the following requirements:

1. *[Annual/ Biennial basic]* inspection process.

A. If a subject vehicle is targeted for a voluntary or mandatory manufacturer's emission recall notice issued after July 1, 1995, the vehicle owner or operator shall present to the emission inspection station proof of compliance with the recall notice.

B. A vehicle shall not be inspected if all or part of the exhaust system is missing, leaking, or if the vehicle is in an unsafe condition. If a motor vehicle is refused for inspection then the inspector shall give the motorist a form that identifies the reasons for inspection refusal. No fee shall be charged for this inspection.

C. The vehicle owner or driver shall have access to an area in the inspection station that permits observation of the entire official inspection procedure of the vehicle tested. This access may be limited, but it shall not prevent observation.

D. Vehicles shall be inspected in as-received condition. An official inspection, once initiated, shall be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition, or unsafe conditions.

E. The initial inspection shall be performed without repair or adjustment at the emission inspection station prior to commencement of any tests, except as provided for in the evaporative system pressure and purge tests. Emission inspections performed after the initial inspection in an inspection cycle shall be considered a reinspection and are subject to provisions of subsection (3)(G) of this rule.

F. If a subject vehicle passes all emission inspection requirements within a complete inspection cycle, the emission inspection station shall issue the vehicle owner or driver an emission inspection certificate of compliance certifying that the vehicle has passed the emission inspection, and place an emission inspection sticker on the windshield of the subject vehicle. The positioning of the sticker on the windshield of the vehicle shall take place on the premises of the emission inspection station.

G. If a subject vehicle fails any phase of the emission inspection requirements, the emission inspection station shall provide the vehicle owner or driver with an emission inspection test report indicating which part(s) of the emission inspection that the vehicle failed,

a list of repair facilities employing at least one (1) qualified repair technician, a repair data sheet, and a copy of the customer complaint procedure.

H. If a subject vehicle fails any part of the emission inspection, the vehicle owner must have the vehicle repaired and complete a repair data sheet before submitting the vehicle for reinspection.

I. If the subject vehicle fails a reinspection, the vehicle owner can apply for a compliance waiver. If all waiver requirements as prescribed in subsection (3)(H) of this rule are met, a waiver shall be issued by the DNR approved inspector at the emission inspection station; and

2. Biennial **enhanced** inspection process.

A. *[All biennial]* **Enhanced** emissions inspections shall be performed in counties that have an emission inspection program pursuant to sections 643.300-643.350, RSMo.

B. The vehicle owners who have chosen an *[biennial]* **enhanced** emission inspection shall take their vehicle to an emission inspection station in any county meeting the criteria set in 643.300-643.350, RSMo. The vehicle owner shall be subject to the inspection fee and inspection procedures pursuant to 10 CSR 10-5.380.

(5) Test Procedures.

(E) On-Board Diagnostic (OBD) Test Procedures.

1. All 1996 and later model year vehicles equipped with OBD systems shall have the OBD system information collected, recorded, and read. Reports shall be generated. The information shall be used to determine if any emission control system faults have been identified. Fault codes shall not be a condition for failure.

[2. The DNR shall require vehicle failures tied to readings from the OBD system beginning no later than January 1, 2001. Vehicles shall fail the on-board diagnostic test if they fail to meet the requirements of 40 CFR 85.2207, at a minimum.]

(7) Documentation.

(A) The contractor shall provide the owners or drivers of vehicles that pass the emission inspection or are issued a waiver an emission inspection certificate of compliance and emission inspection sticker. After the effective date of this rule, any revision to the contractor supplied forms will be presented to the regulated community for a forty-five (45)-day comment period.

1. The certificate of compliance shall contain—

A. A vehicle description, including license plate number, vehicle title number, vehicle identification number, vehicle make, vehicle model, vehicle model year, and odometer reading;

B. The date and time of inspection;

C. The applicable test standards;

D. The applicable test results, including exhaust quantities, a pass indicator for the evaporative system pressure test(s), a pass indicator for visual inspection of the evaporative system and a pass indicator for the visual emission control device inspection;

E. The results of the recall provisions check, if applicable, including the recall campaign number and the date the recall repairs were completed;

F. A certification that tests were performed in accordance with the regulations;

G. A waiver indicator, if applicable; and

H. The statement: "This inspection is mandated by your United States Congress."

2. The emission inspection sticker shall—

A. Be affixed by the emission inspector to each vehicle which is subject to and passes the emission inspection, or has been issued a waiver on the inside of the vehicle's front windshield in the lower left hand corner. An emission inspection sticker affixed to a vehicle that has been issued a waiver shall have a waiver indicator clearly visible on the sticker. Previous emission inspection stickers affixed to the windshield shall be removed. Destroyed, damaged, or lost

stickers can only be replaced after a satisfactory explanation of the details of the incident has been furnished to the DNR. Stickers are valid for *[one (1)] two (2)* calendar years; and

B. Contain the statement: "This inspection is mandated by your United States Congress."

AUTHORITY: section 307.366, *RSMo Supp. [1999] 2003*. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed April 12, 1987, effective June 25, 1987. Rescinded: Filed May 31, 1990, effective Dec. 31, 1990. Emergency rule filed Jan. 3, 2000, effective April 1, 2000, expired Sept. 27, 2000. Readopted: Filed Jan. 3, 2000, effective June 30, 2000. Amended: Filed Feb. 2, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 2—Income Maintenance**

PROPOSED AMENDMENT

13 CSR 40-2.310 Requirements as to Eligibility for Temporary Assistance. The division is amending subsection (1)(B).

PURPOSE: This proposed amendment establishes the ineligibility of aliens who have been in the United States for less than five (5) years after August 22, 1996.

(1) The eligibility requirements for the Temporary Assistance Program shall include:

(B) *[Requiring a recipient of assistance and each dependent child to be a resident of the state of Missouri, and a United States citizen, a qualified alien as defined in section 1641 of Title 8, United States Code or an alien permanently residing under color of law;]* Requiring a recipient of assistance and each dependent child to be a resident of the state of Missouri and:

1. A United States citizen; or
2. A qualified alien as defined in Title 8, section 1641 of the *United States Code* except as otherwise provided herein. Except as provided in 8 U.S.C. section 1622(b), a qualified alien who enters the United States on or after August 22, 1996, is not eligible for Temporary Assistance benefits for a period of five (5) years beginning on the date of the alien's entry into the United States. Qualified aliens who have entered the United States on or after August 22, 1996, and who do not meet the time limit exception may be eligible for Temporary Assistance after a period of five (5) years beginning on the date of the qualified alien's entry into the United States. An alien who is not a qualified alien under Title 8, sections 1641 or 1622(b) of the *United States Code* shall be ineligible to receive Temporary Assistance benefits. If an alien who is not eligible to receive Temporary Assistance benefits is found to be on the Temporary Assistance rolls then his or her benefits will be terminated and his or her case will be closed. If an applicant for Temporary Assistance benefits is not a qualified alien or does

not otherwise fall within the exception set forth in 8 U.S.C. section 1622(b) then the applicant's application for Temporary Assistance will be denied;

AUTHORITY: sections 207.020, *RSMo 2000* and 208.040.5, *RSMo [1994] Supp. 2003*. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed July 22, 2003, effective Aug. 1, 2003, expires Jan. 27, 2004. Amended: Filed Jan. 23, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Family Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Family Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 2—Income Maintenance**

PROPOSED RULE

13 CSR 40-2.380 Grandparents as Foster Parents

PURPOSE: This rule establishes the maximum benefit amount for the Grandparents As Foster Parents program after July 31, 2003.

(1) The Grandparents as Foster Parents Program shall provide reimbursement up to twenty-five percent (25%) of the current foster care payment schedule to eligible grandparents for the care of a grandchild.

(2) The Grandparents as Foster Parents Program shall provide a further reduced amount for three (3) or more children.

AUTHORITY: sections 207.020, *RSMo 2000* and 453.322 and 453.325, *RSMo Supp. 2003*. Emergency rule filed July 11, 2003, effective Aug. 1, 2003, expired Jan. 27, 2004. Original rule filed Jan. 23, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Division of Family Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Family Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending sections (1)–(7), (13)–(16) and (18).

PURPOSE: This proposed amendment updates subsection (1)(B) and paragraph (1)(C)2. with the correct citations for out-of-state hospital reimbursement and outpatient reimbursement, revises subsections (1)(B) and (2)(I), and sections (6), (16) and (18) to limit disproportionate share hospital (DSH) payments to one hundred percent (100%) of the unreimbursed cost for Medicaid and the cost of the uninsured unless otherwise permitted by federal law, adds three (3) definitions and makes revisions to section (2), revises subsection (3)(B) to include trend indices for SFY 2003 and SFY 2004, revises subsection (4)(B) for the percentage of the average weighted statewide per diem rate that is paid to new hospitals, revises subsection (5)(A) for hospitals that have a change of control, ownership or terminate participation in the Medicaid program, removes the section on case mix under rate reconsideration in subsection (5)(F), revises section (7) outlier adjustments, removes section (13) outpatient hospital services reimbursement for hospitals located within Missouri and replaces with trauma add-on payments, removes section (14) out-of-state hospital and in-state federally operated hospital reimbursement and replaces with trauma outlier payments, and revises sections (15) and (18) to include payment methodology for new hospitals.

(1) General Reimbursement Principles.

(B) The Title XIX reimbursement for hospitals located outside Missouri and for federally-operated hospitals in Missouri will be determined as stated in *[section (14) of this plan]* **13 CSR 70-15.180.**

(C) The Title XIX reimbursement for hospitals, excluding those located outside Missouri and in-state federal hospitals, shall include per diem payments, outpatient payments, disproportionate share payments; various Medicaid Add-On payments, as described in this rule; or a safety net adjustment, paid in lieu of Direct Medicaid Payments described in section (15) and Uninsured Add-Ons described in subsection (18)(B). Reimbursement shall be subject to availability of federal financial participation (FFP).

1. Per diem reimbursement—The per diem rate is established in accordance with section (3).

2. Outpatient reimbursement is described in *[section (13)]* **13 CSR 70-15.160.**

3. Disproportionate share reimbursement—The disproportionate share payments described in section (16), and subsection (18)(B) include both the federally mandated reimbursement for hospitals which meet the federal requirements listed in section (6) and the discretionary disproportionate share payments which are allowable but not mandated under federal regulation. *[A Safety Net Adjustment, section (16), and Uninsured Add-Ons, subsection (18)(B), are subject to federal limitation described in Omnibus Reconciliation Act of 1993 (OBRA 93) and section (17) of this regulation]* **These Safety Net and Uninsured Add-Ons shall not exceed one hundred percent (100%) of the unreimbursed cost for Medicaid and the cost of the uninsured unless otherwise permitted by federal law.**

4. Medicaid Add-Ons—Medicaid Add-Ons are described in sections (13), (15), (19) and (21) and are in addition to Medicaid per diem payments. These payments are subject to the federal Medicare Upper Limit test.

5. Safety Net Adjustment—The payments described in subsection (16)(A) are paid in lieu of Direct Medicaid Payments described in section (15) and Uninsured Add-Ons described in subsection (18)(B).

(2) Definitions.

(D) Case mix index. The average Diagnosis Related Grouping (DRG) relative weight as determined from claims information filed with the Missouri Department of Health and Senior Services. This calculation will include both fee-for-service and managed care information. The DRG weight used in the calculation is the same for all years and is the weight that is associated with the latest year of data that is being analyzed (i.e., for SFY 2004, weights for 2002 are applied to all years).

[(D)] (E) Charity care. Results from a provider's policy to provide health care services free of charge or a reduction in charges because of the indigence or medical indigence of the patient.

[(E)] (F) Contractual allowances. Difference between established rates for covered services and the amount paid by third-party payers under contractual agreements.

[(F)] (G) Cost report. A cost report details, for purposes of both Medicare and Medicaid reimbursement, the cost of rendering covered services for the fiscal reporting period. The Medicare/Medicaid Uniform Cost Report contains the forms utilized in filing the cost report.

[(G)] (H) Critical access. Hospitals which meet the federal definition found in section 1820(c)(2)(B) of the Social Security Act. A Missouri expanded definition of critical access shall also include hospitals which meet the federal definitions of both a rural referral center and sole community provider and is adjacent to at least one county that has a Medicaid eligible population of at least thirty percent (30%) of the total population of the county or hospitals which are the sole community hospital located in a county that has a Medicaid population of at least thirty percent (30%) of the total population of the county.

[(H)] (I) Disproportionate share reimbursement. The disproportionate share payments described in section (16), and subsection (18)(B) include both the federally mandated reimbursement for hospitals which meet the federal requirements listed in section (6) and the discretionary disproportionate share payments which are allowed but not mandated under federal regulation. *[A Safety Net Adjustment, section (16), and Uninsured Add-Ons, subsection (18)(B), are subject to federal limitation as described in Omnibus Reconciliation Act of 1993 (OBRA 93) and section (17) of this regulation]* **These Safety Net and Uninsured Payment Add-Ons shall not exceed one hundred percent (100%) of the unreimbursed cost for Medicaid and the cost of the uninsured unless otherwise permitted by federal law.**

[(I)] (J) Effective date.

1. The plan effective date shall be October 1, 1981.

2. The adjustment effective date shall be thirty (30) days after notification to the hospital that its reimbursement rate has been changed unless modified by other sections of the plan.

(K) Medicaid inpatient days. Medicaid inpatient days are paid Medicaid days for inpatient hospital services as reported by the Medicaid Management Information System (MMIS).

[(J)](L) Medicare rate. The Medicare rate is the rate established on the basis of allowable cost as defined by applicable Medicare standards and principles of reimbursement (42 CFR part 405) as determined by the servicing fiscal intermediary based on yearly hospital cost reports.

[(K)] (M) Nonreimbursable items. For purposes of reimbursement of reasonable cost, the following are not subject to reimbursement:

1. Allowances for return on equity capital;

2. Amounts representing growth allowances in excess of the intensity allowance, profits, efficiency bonuses, or a combination of these;

3. Cost in excess of the principal of reimbursement specified in 42 CFR chapter IV, part 413; and

4. Costs or services or costs and services specifically excluded or restricted in this plan or the Medicaid hospital provider manual.

[(L)] (N) Per diem rates. The per diem rates shall be determined from the individual hospital cost report in accordance with section (3) of the regulation.

[(M)] (O) Reasonable cost. The reasonable cost of inpatient hospital services is an individual hospital's Medicaid per diem cost per day as determined in accordance with the general plan rate calculation from section (3) of this regulation using the base year cost report.

[(N)] (P) Specialty pediatric hospital. An inpatient pediatric acute care facility which:

1. Is licensed as a hospital by the Missouri Department of Health and Senior Services under Chapter 197 of the *Missouri Revised Statutes*;

2. Has been granted substantive waivers by the Missouri Department of Health and Senior Services from compliance with material hospital licensure requirements governing a) the establishment and operation of an emergency department, and b) the provision of pathology, radiology, laboratory and central services; and

3. Is not licensed to operate more than sixty (60) inpatient beds.

(Q) **Trauma hospital. A trauma center designated by the Missouri Department of Health and Senior Services.**

[(O)] (R) Trend factor. The trend factor is a measure of the change in costs of goods and services purchased by a hospital during the course of one (1) year.

[(P)] (S) Children's hospital. An acute care hospital operated primarily for the care and treatment of children under the age of eighteen (18) and which has designated in its licensure application at least sixty-five percent (65%) of its total licensed beds as a pediatric unit as defined in 19 CSR 30-20.021(4)(F).

[(Q)] (T) FRA. The Federal Reimbursement Allowance (FRA) is identified in 13 CSR 70-15.110. Effective January 1, 1999, the assessment shall be an allowable cost.

[(R)] (U) Incorporates by Reference. This rule incorporates by reference the following:

1. *Institutional Provider Manual*; and
2. Worksheet E-3 Part IV from the Medicare cost report (HCFA 2552-96).

(3) Per Diem Reimbursement Rate Computation. Each hospital shall receive a Medicaid per diem rate based on the following computation.

(B) Trend Indices (TI). Trend indices are determined based on the four (4)-quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY).

1. The TI are—
 - A. SFY 1994—4.6%
 - B. SFY 1995—4.45%
 - C. SFY 1996—4.575%
 - D. SFY 1997—4.05%
 - E. SFY 1998—3.1%
 - F. SFY 1999—3.8%
 - G. SFY 2000—4.0%
 - H. SFY 2001—4.6%
 - I. SFY 2002—4.8% [.]
 - J. SFY 2003—5.0%
 - K. SFY 2004—6.2%

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per diem rate and for SFY 1999 the OC of the June 30, 1998 rate shall be trended by 1.2% and for SFY 2000

the OC of the June 30, 1999 rate shall be trended by 2.4%. The OC of the June 30, 2000 rate shall be trended by 1.95% for SFY 2001.

3. The per diem rate shall be reduced as necessary to avoid any negative Direct Medicaid Payments computed in accordance with subsection (15)(B).

(4) Per Diem Rate—New Hospitals.

(B) Facilities Reimbursed by Medicare on a *[Diagnosis Related Grouping (DRG)]* Basis. In the absence of adequate cost data, a new facility's Medicaid rate may be *[one hundred twenty percent (120%)]* **ninety percent (90%)** of the average-weighted, statewide per diem rate for two (2) fiscal years following the facility's initial fiscal year as a new facility. The Medicaid rate for the third fiscal year will be the facility's Medicaid rate for its second fiscal year indexed forward by the inflation index for the current fiscal year. The Medicaid rate for the facility's fourth fiscal year will be determined in accordance with sections (1)–(3) of this plan.

(5) Administrative Actions.

(A) Cost Reports.

1. Each hospital participating in the Missouri Medical Assistance Program shall submit a cost report in the manner prescribed by the state Medicaid agency. The cost report shall be submitted within five (5) calendar months after the close of the reporting period. The period of a cost report is defined in 42 CFR 413.24(f). A single extension, not to exceed thirty (30) days, may be granted upon the request of the hospital and the approval of the Missouri Division of Medical Services when the provider's operation is significantly affected due to extraordinary circumstances over which the provider had no control such as fire or flood. The request must be in writing and postmarked prior to the first day of the sixth month following the hospital's fiscal year end.

2. The **change of control, ownership or termination** of or by a hospital of participation in the program requires that the hospital submit a cost report for the period ending with the date of **change of control, ownership or termination** within five (5) calendar months after the close of the reporting period. No extensions in the submitting of cost reports shall be allowed when a termination of participation has occurred. *[The payments due the hospital shall be withheld until the cost report for the final reporting period is filed with the Division of Medical Services].*

A. If a provider notifies, in writing, the director of the Institutional Reimbursement Unit of the division prior to the change of control, ownership or termination of participation in the Medicaid program, the division will withhold all remaining payments from the selling provider until the cost report is filed. Upon receipt of a cost report prepared in accordance with this regulation, any payment that was withheld will be released to the selling provider.

B. If the director of the Institutional Reimbursement Unit does not receive, in writing, notification of a change of control or ownership upon learning of a change of control or ownership, fifty thousand dollars (\$50,000) of the next available Medicaid payment, after learning of the change of control or ownership will be withheld from the provider identified in the current Medicaid participation agreement until a cost report is filed. If the Medicaid payment is less than fifty thousand dollars (\$50,000), the entire payment will be withheld. Once the cost report prepared in accordance with this regulation is received, the payment will be released to the provider identified in the current Medicaid participation agreement.

C. The Division of Medical Services may, at its discretion, delay the withholding of funds specified in subparagraphs (5)(A) 2.A. and B. until the cost report is due based on assurances satisfactory to the division that the cost report will be timely filed. A request jointly submitted by the buying and selling provider may provide adequate assurances. The buying provider must accept responsibility for ensuring timely filing of the cost report

and authorize the division to immediately withhold fifty thousand dollars (\$50,000) if the cost report is not timely filed.

3. All cost reports shall be submitted and certified by an officer or administrator of the provider. Failure to file a cost report, within the period prescribed in this subsection, may result in the impositions of sanctions as described in 13 CSR 70-3.030.

4. Amended cost reports or other supplemental. The division will notify hospital by letter when the desk review of its cost report is completed. Since, this data may be used in the calculation of per diem rates, direct payments, trended costs or uninsured add-on payments, the hospital shall review the desk review data and the schedule of key data elements and submit amended or corrected data to the division within fifteen (15) days. Data received after the fifteen (15)-day deadline will not be considered by the division for per diem rates, direct payments, trended costs or uninsured payments unless the hospital requests in writing and receives an extension to file additional information prior to the end of the fifteen (15)-day deadline.

(F) Rate Reconsideration.

1. Rate reconsideration may be requested under this subsection for changes in allowable cost which occur subsequent to the base period described in subsection (3)(A). The effective date for any increase granted under this subsection shall be no earlier than the first day of the month following the Division of Medical Services' final determination on rate reconsideration.

2. The following may be subject to review under procedures established by the Medicaid agency:

[A. Substantial changes in or costs due to case mix;]

[B.] A. New, expanded or terminated services as detailed in subsection (5)(C);

[C.] B. When the hospital experiences extraordinary circumstances which may include, but are not limited to, an act of God, war or civil disturbance; and

[D.] C. Per diem rate adjustments for critical access and trauma center hospitals.

(I) Critical access hospitals meeting either the federal definition or the Missouri expanded definition may request per diem rate adjustments in accordance with this subsection. The per diem rate increase will result in a corresponding reduction in the Medicaid direct payment.

(a) Hospitals which meet the federal definition as a critical access hospital may request a per diem rate equal to one hundred percent (100%) of their estimated Medicaid cost per day as determined in section (15).

(b) Hospitals which meet the Missouri expanded definition as a critical access hospital may request a per diem rate equal to seventy-five percent (75%) of their estimated Medicaid cost per day as determined in section (15).

3. The following will not be subject to review under these procedures:

A. The use of Medicare standards and reimbursement principles;

B. The method for determining the trend factor;

C. The use of all-inclusive prospective reimbursement rates; and

D. Increased costs for the successor owner, management or leaseholder that result from changes in ownership, management, control, operation or leasehold interests by whatever form for any hospital previously certified at any time for participation in the Medicaid program, except a review may be conducted when a hospital changes from nonprofit to proprietary or vice versa to recognize the change in its property taxes, see paragraph (5)(E)4.

4. As a condition of review, the Missouri Division of Medical Services may require the hospital to submit to a comprehensive operational review. The review will be made at the discretion of the state Medicaid agency and may be performed by it or its designee. The findings from any such review may be used to recalculate allowable costs for the hospital.

5. The request for an adjustment must be submitted in writing to the Missouri Division of Medical Services and must specifically and clearly identify the issue and the total dollar amount involved. The total dollar amount must be supported by generally acceptable accounting principles. The hospital shall demonstrate the adjustment is necessary, proper and consistent with efficient and economical delivery of covered patient care services. The hospital will be notified in writing of the agency's decision within sixty (60) days of receipt of the hospital's written request or within sixty (60) days of receipt of any additional documentation or clarification which may be required, whichever is later. Failure to submit requested information within the sixty (60)-day period shall be grounds for denial of the request. If the state does not respond within the sixty (60)-day period, the request shall be deemed denied.

(6) Disproportionate Share.

(F) Hospital-specific DSH cap. Unless otherwise permitted by federal law, disproportionate share payments shall not exceed one hundred percent (100%) of the unreimbursed cost for Medicaid and the cost of the uninsured. The hospital-specific DSH cap shall be computed using the fourth prior year desk reviewed cost report trended thru the state fiscal year. If the sum of disproportionate share payments exceeds the estimated hospital-specific DSH cap, the difference shall be deducted in order as necessary from safety net payment, other disproportionate share lump sum payments, direct Medicaid payments, and if necessary, as a reduced per diem.

(7) Outlier Adjustment for Children Under the Age of Six (6).

(A) Effective for admissions beginning on or after July 1, 1991, outlier adjustments for medically necessary inpatient services involving exceptionally high cost or exceptionally long lengths of stay for Missouri Medicaid-eligible children under the age of six (6) will be made to hospitals meeting the disproportionate share requirements in subsection (6)(A) and, for Missouri Medicaid-eligible infants under the age of one (1), will be made to any other Missouri Medicaid hospital except for specialty pediatric hospitals.

1. The following criteria must be met for the services to be eligible for outlier review:

A. The patient must be a Missouri Medicaid-eligible infant under the age of one (1) year, or for disproportionate share hospitals a Missouri Medicaid-eligible child under the age of six (6) years, for all dates of service presented for review;

B. Hospitals requesting outlier review for children one (1) year of age to children under six (6) years of age, must have qualified for disproportionate share status under section (6) of this plan for the state fiscal year corresponding with the fiscal year end of the cost report referred to in paragraph (7)(A)5.; and

C. One (1) of the following conditions must be satisfied:

(I) The total reimbursable charges for dates of service as described in paragraph (7)(A)3. must be at least one hundred fifty percent (150%) of the sum of total third-party liabilities and Medicaid inpatient claim payments for that claim; or

(II) The dates of service must exceed sixty (60) days and less than seventy-five percent (75%) of the total service days was reimbursed by Medicaid.

2. Claims for all dates of service eligible for outlier review must—

A. Have been submitted to the Division of Medical Services fiscal agent or the MC+ health plan in their entirety for routine claims processing, and claim payment must have been made before the claims are submitted to the division for outlier review; and

B. Be submitted for outlier review with all documentation as required by the Division of Medical Services no later than ninety (90) days from the last payment made by the fiscal agent or the MC+ health plan through the normal claims processing system for those dates of service.

3. **Information for outlier reimbursement processing will be determined from [C]claim charges and Medicaid payment data [will be determined from claims data,] submitted to the Division of Medical Services fiscal agent or MC+ health plan, by the hospital through normal claim[s processing] submission. If the claim information is determined to be incomplete as submitted, the hospital may be asked to provide claim data directly to the Division of Medical Services for outlier review.**

4. The claims may be reviewed for—

A. Medical necessity at an inpatient hospital level-of-care;

B. Appropriateness of services provided in connection with the diagnosis; */and/*

C. Charges that are not permissible per the Division of Medical Services; policies established in the institutional manual and hospital bulletins.*/;* and

D. **If the hospital is asked to provide claim information, the hospital will need to provide an affidavit vouching to the accuracy of final payments by the Division of Medical Services, MC+ health plans and other third party payors. The calculation of outlier payments will be based on the standard hospital payment defined in subparagraph (7)(A)6.B.**

5. After the review, reimbursable costs for each claim will be determined using the following data from the most recent Medicaid hospital cost report filed by June 1 of each year:

A. Average routine (room and board) costs for the general and special care units for all days of the stay eligible per the outlier review;

B. Ancillary cost-to-charge ratios applied to claim ancillary charges determined eligible for reimbursement per the outlier review; and

C. No cost will be calculated for items such as malpractice insurance premiums, interns and residents, professional services or return on equity.

6. Each state fiscal year, outlier adjustment payments for each hospital will be made for all claims submitted before March 1 of the preceding state fiscal year which satisfy all conditions in paragraphs (7)(A)1.-4. The payments will be determined for each hospital as follows:

A. Sum all reimbursable costs per paragraph (7)(A)5. for all applicable outlier claims to equal total reimbursable costs;

B. **For those claims, */S/*subtract third-party payments and Medicaid payments *[for those claims]*, which includes both per diem payments and Direct Medicaid Add-On payments, from total reimbursable costs to equal excess cost; and**

C. Multiply excess costs by fifty percent (50%).

[(13) Outpatient Hospital Services Reimbursement for Hospitals Located Within Missouri.

(A) Outpatient hospital services, unless otherwise limited by rule, shall be reimbursed on an interim basis by Medicaid at the lesser of seventy-five percent (75%) of usual and customary charges as billed by the provider for covered services or one hundred percent (100%) of the facility's Medicaid-allowable cost-to-charge ratio as determined from the most recent desk-reviewed cost report. Reimbursement at the applicable percentage shall be effective July 1 of each SFY for all providers and shall be subject to adjustment whenever the inpatient rate is changed.

1. All services provided to GR recipients will be reimbursed from the Medicaid fee schedule in accordance with provisions of 13 CSR 70-2.020.

2. Effective for dates of service September 1, 1985, and annually updated, certain clinical diagnostic laboratory procedures will be reimbursed from a Medicaid fee schedule which shall not exceed a national fee limitation.

3. Services of hospital-based physicians and certified registered nurse anesthetists shall be billed on an HCFA-

1500 professional claim form and reimbursed from a Medicaid fee schedule or the billed charge, if less.

(B) The final outpatient settlements for hospitals will be calculated for each fiscal year in accordance with 13 CSR 70-15.040(4).

(C) For reporting purposes in the outpatient Medicaid data, facilities shall not include services reimbursed from a fee schedule, which include services to GR recipients, the clinical diagnostic laboratory services and services of hospital-based physicians and certified registered nurse anesthetists.

(D) Outpatient hospital services provided for those recipients having available Medicare benefits shall be reimbursed by Medicaid to the extent of the deductible and coinsurance as imposed under Title XVIII.]

(13) Trauma Add-On Payments. Hospitals that meet the following will receive additional Add-On payments.

(A) Criteria for Qualifying to Receive Add-On Payments for Trauma:

1. Hospital must be a Level I, II, or III trauma center as designated by the Missouri Department of Health and Senior Services; or

2. Hospital with an emergency department in a county that does not have a trauma center.

(B) Trauma Add-On Computation. On an annual basis, the division will calculate the trauma Add-On payments for qualifying hospitals as follows:

1. The case mix index for Medicaid patients will be determined for the fourth prior year and the second prior year based on a federal fiscal year;

2. The percentage change will be calculated for the same time period above and then inflated to estimate a percentage change from the fourth prior year through the prior year (for example, for SFY 2004, the percentage change for 2000 to 2002 will be inflated to estimate a percentage change from 2000 through 2003);

3. If this estimated percentage change is positive, the hospital's current year trended cost per day prior to the assessment per day and utilization adjustment per day (estimated for SFY 2004 using the 2000 cost report with some exceptions) will be inflated by the same amount to arrive at the current year case mix adjusted cost per day;

4. The difference between the current year case mix adjusted cost per day and the current year trended cost per day prior to the assessment per day and utilization adjustment per day will be multiplied by the current year's estimated Medicaid days, resulting in the trauma Add-On payment to the hospital;

5. For subsequent years, the calculation of the trauma Add-On payment will be determined in the same manner. However, payments will be the greater of the current year calculated payment or the previous year's payment.

(C) Trauma Payment Adjustment Option.

1. If the qualifying hospital for the trauma Add-On payment has a declining case mix index for three (3) consecutive years, the department has the option of reviewing whether an adjustment is appropriate.

(D) The Division of Medical Services will require a signed affidavit attesting to the validity of the data.

(E) Trauma Add-On payments and trauma outlier payments will be subject to appropriations. If the amount appropriated is less than the base year amount, the current year's payments for both trauma Add-Ons and trauma outliers will be prorated based on the ratio of trauma Add-On payments to trauma outlier payments in the base year.

[(14) Out-of-State Hospital and Instate Federally-Operated Hospital Reimbursement.

(A) Inpatient Reimbursement.

1. Effective for admissions beginning after April 1, 1994, inpatient services for Missouri Medicaid recipients age twenty-one (21) or older in hospitals located outside Missouri and federally-operated hospitals located within Missouri will be reimbursed at the lower of—

A. The charges for those services; or

B. The individual recipient's days of care (within benefit limitations) multiplied by the Title XIX per diem rate of three hundred forty-five dollars and thirteen cents (\$345.13).

2. Effective for admission beginning after April 1, 1994, inpatient services for children under the age of twenty-one (21) in hospitals located outside Missouri will be reimbursed at the lower of—

A. The charges billed for those services; or

B. The individual recipient's days of care (within benefit limitations) multiplied by the Title XIX per diem rate established by the host state's Medicaid agency. If the host state does not reimburse inpatient hospital services on a per diem basis, the per diem rate shall be six hundred sixty dollars and eighty-nine cents (\$660.89). The inpatient psychiatric limitation (section (15)) shall apply.

3. There will be no adjustments or exemptions to this per diem rate and no individual rate reconsideration will be performed.

4. Payments on claims submitted, unless otherwise specified, constitute final payment to hospitals located outside Missouri and to federally-operated hospitals within Missouri on those claims and no year-end cost settlements will be done. Therefore, these hospitals are not required to file Medicaid cost reports with Missouri.

(B) Outpatient Reimbursement.

1. Out-of-state outpatient hospital services and services of federally-operated hospitals located within Missouri will be reimbursed by Missouri Medicaid at sixty percent (60%) of usual and customary charges as billed by the provider for covered services with the exceptions specified in paragraphs (11)(A)1.-4.

2. Payments on claims submitted, unless otherwise specified, constitute final payment on those claims to hospitals located outside Missouri and to federally-operated hospitals located within Missouri and no year-end cost settlements will be done.]

(14) Trauma Outlier Payments.

(A) Effective for services on or after July 1, 2002, outlier adjustments for trauma inpatient services involving exceptionally high cost for Missouri Medicaid eligible recipients will be made to hospitals meeting the criteria established below:

1. Hospital must be a Level I, II, or III trauma center as designated by the Missouri Department of Health and Senior Services.

(B) Claims for all dates of service eligible for trauma outlier review must —

1. Have been submitted to the Division of Medical Services fiscal agent or the MC+ health plan in their entirety for routine claims processing, and claim payment must have been made before the claims are submitted to the division for outlier review; and

2. Be submitted for outlier review with all documentation as required by the Division of Medical Services by the end of the third quarter of the current state fiscal year. The prior year's information will be used to determine the trauma outlier payment for the current state fiscal year (for example, SFY 2004 trauma outlier payments will be based on 2003 data). Out-of-state trauma claims may be included.

3. The claims for trauma inpatient services may include services provided to Medicaid eligible individuals from states outside Missouri when provided in a Missouri hospital.

4. The claim must be an inpatient that originated in the hospital emergency room or a direct admit from another hospital's emergency room and must have a primary diagnosis code that is included in the table of valid trauma diagnosis codes listed below:

800.00—959.99
980.00—981.99
983.00—983.99
986.00—987.99
989.00—989.99
991.00—994.99

5. The payment for the claim as determined by the product of days of service times the appropriate year cost per day (including the assessment per day and the utilization adjustment per day) must be less than the cost of the claim as determined by product of charges times the hospital specific cost-to-charge ratio.

(C) Trauma outlier payments for qualifying hospitals will be determined as follows:

1. Multiply charges on claim by hospital specific second prior year cost to charge ratio to determine patient-specific trauma costs;

2. Multiply days of care by the appropriate year's cost per day including the assessment per day and utilization adjustment per day (estimated for SFY 2004 using the 2000 cost report with some exceptions) to determine patient-specific payments; and

3. Determine difference between trauma costs and payments.

(D) The Division of Medical Services will require a signed affidavit attesting to the validity of the data.

(E) Trauma Add-On payments and trauma outlier payments will be subject to appropriations. If the amount appropriated is less than the base year amount, the current year's payments for both trauma Add-Ons and trauma outliers will be prorated based on the ratio of trauma Add-On payments to trauma outlier payments in the base year.

(15) Direct Medicaid Payments.

(C) For new hospitals that do not have a base cost report, Direct Medicaid payments shall be estimated as follows:

1. Hospitals receiving Direct Medicaid payments shall be divided into quartiles based on total beds;

2. Direct Medicaid payments shall be individually summed by quartile and then divided by the total beds in the quartile to yield an average Direct Medicaid payment per bed; and

The number of beds for the new hospital without the base cost report shall be multiplied by the average Direct Medicaid payment per bed.

(16) Safety Net Adjustment. A safety net adjustment, in lieu of the Direct Medicaid payments and Uninsured Add-Ons, shall be provided for each hospital which qualified as disproportionate share under the provision of paragraph (6)(A)4. The safety net adjustment payment shall be made prior to the end of each federal fiscal year.

(D) Notwithstanding subsection (16)(B), the safety net adjustment for governmental facilities in state fiscal year 2004 and 2005 shall be up to one hundred seventy-five percent (175%) of unreimbursed Medicaid costs plus one hundred seventy-five percent (175%) of the Uninsured costs calculation described in subsection (18)(B) subject to the state's disproportionate share allotment and Institution for Mental Diseases (IMD) cap. The safety net adjustment shall be on a state fiscal year basis in these years.

(18) In accordance with state and federal laws regarding reimbursement of unreimbursed costs and the costs of services provided to uninsured patients, reimbursement for each State Fiscal Year (SFY) (July 1–June 30) shall be determined as follows:

(B) Uninsured Add-Ons. The hospital shall receive eighty-nine percent (89%) of the Uninsured costs prorated over the SFY. Hospitals which contribute through a plan approved by the director of health to support the state's poison control center and the Primary Care Resource Initiative for Missouri (PRIMO) shall receive ninety percent (90%) of its Uninsured costs prorated over the SFY. The uninsured Add-On will include:

1. The Add-On payment for the cost of the Uninsured will be based on a three (3) year average of the fourth, fifth, and sixth prior base year cost reports. For any hospital that has both a twelve (12) month cost report and a partial year cost report, its base period cost report for that year will be the twelve (12) month cost report. Cost of the Uninsured is determined by multiplying the charges for charity care and allowable bad debts by the hospital's total cost-to-charge ratio for allowable hospital services from the base year cost report's desk review. The cost of the Uninsured is then trended to the current year using the trend indices reported in subsection (3)(B). Allowable bad debts do not include the costs of caring for patients whose insurance covers the particular service, procedure or treatment;

2. An adjustment to recognize the Uninsured patients' share of the FRA assessment not included in the desk-reviewed cost. The FRA assessment for Uninsured patients is determined by multiplying the current FRA assessment by the ratio of Uninsured days to total inpatient days from the base year cost report;

3. The difference in the projected General Relief per diem payments and trended costs for General Relief patient days; *and*

4. The increased costs per day resulting from the utilization adjustment in subsection (15)(B) is multiplied by the estimated Uninsured days; *and*

5. Notwithstanding any other provision, the Add-On payment for the cost of the uninsured for any public hospital that is not a safety net hospital in state fiscal year 2004 and 2005 shall be up to one hundred seventy-five percent (175%) of the Uninsured costs calculation described in this paragraph subject to the state's disproportionate share allotment and IMD cap. The Add-On for hospitals other than safety net hospitals shall be on a state fiscal year basis in these years.

(C) For new hospitals that do not have a base cost report, Uninsured payments shall be estimated as follows:

1. Hospitals receiving Uninsured payments shall be divided into quartiles based on total beds;

2. Uninsured payments shall be individually summed by quartile and then divided by the total beds in the quartile to yield an average Uninsured payment per bed; *and*

3. The numbers of beds for the new hospital without the base cost report shall be multiplied by the average Uninsured payment per bed.

AUTHORITY: sections 208.152, 208.153 and 208.201, RSMo 2000 and 208.471, RSMo Supp. [2002] 2003. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history consult the *Code of State Regulations*. Amended: Filed Jan. 29, 2004.

PUBLIC COST: This proposed amendment is expected to cost state agencies and political subdivisions \$134,498,644 in SFY 2004 and \$162,664,858 in SFY 2005. A fiscal note containing details of the estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate in SFY 2004 and SFY 2005.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services Division of Medical Services	SFY 2004 - \$134,498,644
Department of Social Services Division of Medical Services	SFY 2005 - \$162,664,858

III. WORKSHEET

For FY 2004, the estimated annual impact is based on the following:

- DSH payments up to 175% of the unreimbursed cost for Medicaid and the cost of the uninsured in the amount of \$84,498,644;
- Trauma add-on payments and trauma outlier payments for qualifying hospitals in the amount of \$50,000,000.

For FY 2005, the estimated annual impact is based on the following:

- DSH payments up to 175% of the unreimbursed cost for Medicaid and the cost of the uninsured in the amount of \$112,664,858;
- Trauma add-on payments and trauma outlier payments for qualifying hospitals in the amount of \$50,000,000.

IV. ASSUMPTIONS

The increased cost is based on DSH payments up to 175% of the unreimbursed cost for Medicaid and the cost of the uninsured, trauma add-on payments and trauma outlier payments for qualifying hospitals.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives

PROPOSED RULE

15 CSR 30-51.171 Supervision Guidelines for Broker-Dealers

PURPOSE: This rule provides guidance for reasonable supervision by broker-dealers.

(1) The phrase “failed reasonably to supervise” under section 409.4-412(d)(9) of the Missouri Securities Act of 2003 (the Act) is a standard allowing each broker-dealer (firm) the flexibility to fashion procedures and systems that address its particular organizational and management structure. Yet the following are guidelines that provide guidance to broker-dealers of factors considered by the commissioner in evaluating reasonable supervision.

(2) The following guidelines shall be factors in considering what is reasonable supervision, whether:

(A) The firm has established current procedures and systems for supervising the activities of agents, employees and Missouri office operations that are reasonably designed to achieve compliance with applicable state and federal securities laws and regulations, and, if applicable, the rules of the National Association of Securities Dealers (NASD);

(B) The firm has established current procedures and systems that could reasonably be expected to allow a supervisor reasonably discharging his/her supervisory duties under such established procedures to prevent and detect violations of the Act, and the firm regularly reviews these procedures and systems;

(C) The firm has reasonably implemented the procedures and systems referred to in subsections (A) and (B) above;

(D) The firm provides appropriate initial and periodic refresher training to supervisors, employees and agents regarding the firm’s procedures and systems and additional initial and periodic training to supervisors in the procedures and systems referred to in subsections (A) and (B) above;

(E) The firm reasonably follows up on indications of wrongdoing, “red flags.” Such red flags may consist of, but are not limited to, activities of unauthorized personnel, churning, unauthorized trading, low level of production but high expenses, regulatory actions, prior disciplinary history of one (1) or more customer complaints and recent customer complaints;

(F) The firm has an adequate system to track and monitor the status of customer complaints;

(G) The firm has designated a qualified supervisor of the broker-dealer for each agent or employee;

(H) The designated supervisor of agents located in Missouri maintains a principal place of business in Missouri, or in a location that allows the supervisor to visit the premises of supervised agents in Missouri within a reasonable time;

(I) The designated supervisor is responsible for supervising no more agents at any one (1) time than would allow the supervisor to effectively execute his/her supervisory duties. The appropriate number of agents which one (1) person can reasonably supervise is dependent on the nature of the business conducted by the persons supervised, technical resources available to the supervisor, additional personnel available to assist the supervisor, and other resources made available to assist the supervisor;

(J) The firm conducts annual compliance examinations of supervisory locations with effective deficiency and follow-up procedures. Unannounced examinations may be reasonable if there are compliance issues concerning agents or activities;

(K) The firm reasonably audits for compliance including reasonable follow-up and proof, independent of the agent, that mail is reviewed for customer complaints and other red flags;

(L) The firm has and implements procedures and systems for reasonable oversight of supervisors; and

(M) The firm has a reasonable policy for disciplinary and progressive supervisory action, which is reasonably implemented.

AUTHORITY: sections 409.4-412(d)(9) and 409.6-605, RSMo Supp. 2003. Original rule filed Jan. 23, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State’s Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION
Division 35—Division of Facilities Management
Chapter 1—Facility Maintenance and Operation**

ORDER OF RULEMAKING

By the authority vested in the commissioner of administration under sections 8.110, 8.320, 34.030, 37.005, 536.023.3 and 536.025, RSMo 2000, the commissioner amends a rule as follows:

1 CSR 35-1.050 Public Use of State Facilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (28 MoReg 1990-1992). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 35—Division of Facilities Management
Chapter 2—Leasing**

ORDER OF RULEMAKING

By the authority vested in the commissioner of administration under sections 8.110, 8.320, 34.030, 37.005, 536.023.3 and 536.025, RSMo 2000, the commissioner amends a rule as follows:

1 CSR 35-2.030 Administration of the Leasing Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (28 MoReg 1993-1994). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.220 Wildlife Confinement Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2003 (28 MoReg 2212-2213). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-3.165 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2003 (28 MoReg 2214-2215). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were filed with the Public Service Commission addressing the proposed amendment.

COMMENT: The staff of the Missouri Public Service Commission expressed a concern that if a reporting public utility only submits a single, completed version of its annual report containing information it wishes to maintain as nonpublic, until the reporting public utility files a second, redacted version for public viewing, the version that contains the nonpublic information will be subject to public view.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. To eliminate the concern

expressed in the comment, the commission will modify section (4) of the rule.

COMMENT: Michael Pendergast, Vice President and Associate General Counsel, and Rick Zucker, Assistant General Counsel-Regulatory, of Laclede Gas Company; and Leo J. Bub, Senior Counsel, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, filed comments suggesting that the time period allotted to a company to support the confidentiality of data filed under seal that is subject to a challenge be extended to fifteen (15) days, from the ten (10) days in the proposed rule. They suggest that ten (10) days may be inadequate for a company to respond if the challenging party transmits its pleadings via regular mail service.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. Although the comments pertain to the rules for gas utilities and telecommunications companies respectively, in the interest of consistency, the commission will apply the recommendations to this rule as well. The commission will change the time allotted for a response to a pleading requesting an order to make information filed under seal available to the public from ten (10) days to fifteen (15) days in section (5) of the proposed amendment.

COMMENT: W.R. England III and Brian McCartney, attorneys for Missouri-American Water Company, filed comments recommending that the commission adopt the staff of the commission's recommendation regarding modifications to section (4) of the proposed amendment, and recommending that the commission adopt Laclede Gas Company and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri's recommendations regarding section (5) of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: Although the comments pertain to the rule for water utilities, in the interest of consistency, the commission will apply the recommendations to this rule as well. The commission has considered the comments and will adopt the recommended modifications as addressed above.

4 CSR 240-3.165 Annual Report Submission Requirements for Electric Utilities

(4) If an electric utility subject to this rule considers the information requested on the annual report form to be nonpublic information, it must submit both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted as non public information to be kept under seal. Submittals made under this section that do not include both versions will be considered deficient. The staff on behalf of the commission will issue a deficiency letter to the company and if both versions of the annual report are not received within twenty (20) days of the notice, the submittal will be considered non-compliant. In addition to the foregoing, submittals made under this section must meet the following requirements:

(5) If an entity asserts that any of the information contained in the nonpublic version of the annual report should be made available to the public, then that entity must file a pleading with the commission requesting an order to make the information available to the public, and shall serve a copy of the pleading on the utility affected by the request. The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal. The utility affected by the request may file a response to a pleading filed under these provisions within fifteen (15) days after the filing of such a pleading. Within five (5) business days after the due date for the filing of the utility's response to a request filed under these provisions, the general counsel by filing of a pleading will make a rec-

ommendation to the commission advising whether the request should be granted.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT **Division 240—Public Service Commission** **Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission (commission or PSC) under sections 386.250 and 394.160, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-3.190 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2028-2029). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on December 30, 2003, and the public comment period ended December 17, 2003. At the public hearing, Warren Wood, Manager of the Energy Department of the Commission, explained the development of the proposed amendments and presented the staff's responses to all written comments that were provided to the commission regarding the proposed amendment through an exhibit that was marked Exhibit No. 1 and entered into the record. John Coffman, Office of the Public Counsel (OPC), stated that OPC supported the amended rule as presented at the public hearing. At the public hearing Michael F. Barnes, Attorney for Union Electric Company, presented the comments of Union Electric Company that were also provided as written comments. Most of the comments received during the comment period and in the public hearing related to the accident reporting requirements in the proposed amendment. The commission has made several changes to the proposed amendment as a result of these comments.

COMMENT: Earle W. Shively, General Manager/CEO, Barry Electric Cooperative, 4015 Main Street, PO Box 307, Cassville, MO 65625, (417) 847-2131;

Thomas J. Steska, General Manager/CEO, Black River Electric Cooperative, PO Box 31, 2600 Highway 67, Fredericktown, Missouri, (573) 783-3381;

Don Ernst, General Manager/CEO, Co-Mo Electric Cooperative, Inc., 29868 Highway 5, PO Box 220, Tipton, MO 65081, (660) 433-5521;

Dan Bryan, Executive Vice President/CEO, Farmers' Electric Cooperative, Inc., Bus. Hwy 36 East, PO Box 680, Chillicothe, MO 64601, (660) 646-4281;

Dan Singletary, General Manager, Howell-Oregon Electric Coop., Inc., PO Box 649, West Plains, MO 65775, (417) 256-2131;

Kenneth L. Miller, General Manager, Laclede Electric Cooperative, PO Box M, Lebanon, MO 65536, (417) 532-3164;

Mark W. Stuart, Facility Coordinator/Safety Director, New-Mac Electric Cooperative, Inc., 12105 Highway 86 East, PO Box 310, Neosho, MO 64850, (417) 451-1515;

Charles J. Crawford, General Manager, Pemiscot-Dunklin Electric Cooperative, Inc., PO Box 657, Hayti, MO 63851, (573) 757-6641;

Lee M. Binley, General Manager, SeMaNo Electric Cooperative, Mansfield, MO 65704, (417) 924-3243;

Wright L. Bogart, Safety Director, SeMaNo Electric Cooperative, Mansfield, MO 65704, (417) 924-3243;

Mark J. Newbold, Manager of Administrative Services, Central Electric Power Cooperative, 2106 Jefferson St., PO Box 269, Jefferson City, MO 65102, (573) 634-2454;

Philip M. Ragsdale, Webster Electric Cooperative, 1240 Spur Drive, PO Box 87, Marshfield, MO 65706, (417) 859-2216;

Gene Dorrel, General Manager, United Electric Cooperative, Maryville, MO, (816) 324-3155;

Walter R. Ryan, General Manager, Three Rivers Electric Cooperative, 1324 East Main St., PO Box 918, Linn, MO 65051, (573) 897-2251; and

Vernon W. Strickland, General Manager, Intercounty Electric Cooperative Association, 102 Maple Avenue, PO Box 209, Licking, MO 65542, (573) 674-2211, commented that the notice of the rule contains a fiscal note indicating the cost to state agencies or political subdivisions will be less than five hundred dollars (\$500) in the aggregate and the cost to private entities will be less than five hundred (\$500) in the aggregate. This is incorrect in that the private entity reporting requirements and PSC handling and investigation costs will exceed five hundred dollars (\$500). The cooperatives believe that this amount is incorrect and that the commission needs to further review the proposal.

RESPONSE: As noted in the comments from parties below, the commission is asking for information that is already documented by electric service providers in the state. The commission believes that any prudent electric service provider would be tracking accidents that would result in the damages or injuries the commission is asking for information on. The proposed amended rule simply asks for a "brief description of an accident," it is not prescriptive in terms of a form and the commission is not mandating that an investigation be performed in this rule. The commission does not anticipate that additional personnel or resources will be required of the electric service providers in the state to notify the commission of the reportable accidents that occur. The rule does not assign the PSC with incident handling or investigation responsibilities that do not already exist in statutes so the commission has not assessed the PSC any cost for these efforts. The rule also does not create investigation coordination responsibilities by electric service providers that do not already exist in statutes so the commission has assessed no additional costs for these efforts.

COMMENT: Earle W. Shively, General Manager/CEO, Barry Electric Cooperative, 4015 Main Street, PO Box 307, Cassville, MO 65625, (417) 847-2131;

Thomas J. Steska, General Manager/CEO, Black River Electric Cooperative, PO Box 31, 2600 Highway 67, Fredericktown, Missouri, (573) 783-3381;

Ron Hunter, Manager, Atchison-Holt Electric Cooperative, 18585 Industrial Road, PO Box 160, Rock Port, MO 64482, (660) 744-5344;

Don Ernst, General Manager/CEO, Co-Mo Electric Cooperative, Inc., 29868 Highway 5, PO Box 220, Tipton, MO 65081, (660) 433-5521;

John W. Greenlee, General Manager, Gascosage Electric Cooperative, PO Drawer G, Dixon, MO 65459, (573) 759-7146;

Dan Singletary, General Manager, Howell-Oregon Electric Coop., Inc., PO Box 649, West Plains, MO 65775, (417) 256-2131;

Mark W. Stuart, Facility Coordinator/Safety Director, New-Mac Electric Cooperative, Inc., 12105 Highway 86 East, PO Box 310, Neosho, MO 64850, (417) 451-1515;

Charles J. Crawford, General Manager, Pemiscot-Dunklin Electric Cooperative, Inc., PO Box 657, Hayti, MO 63851, (573) 757-6641;

Mark J. Newbold, Manager of Administrative Services, Central Electric Power Cooperative, 2106 Jefferson St., PO Box 269, Jefferson City, MO 65102, (573) 634-2454;

Thomas W. Howard, CEO/General Manager, Callaway Electric Cooperative, 503 Truman Rd., PO Box 250, Fulton, MO 65251, (573) 642-3326;

Jerry Hartman, Directory of Communications and Safety, Sho-Me Power Electric Cooperative, 301 West Jackson, PO Drawer D, Marshfield, MO 65706, (417) 468-2615;

Philip M. Ragsdale, Webster Electric Cooperative, 1240 Spur Drive, PO Box 87, Marshfield, MO 65706, (417) 859-2216;

Gene Dorrel, General Manager, United Electric Cooperative, Maryville, MO, (816) 324-3155;

Walter R. Ryan, General Manager, Three Rivers Electric Cooperative, 1324 East Main St., PO Box 918, Linn, MO 65051, (573) 897-2251;

Ben Harper, General Manager, Sac Osage Electric Cooperative, Inc., 4815 E. Hwy 54, PO Box 111, El Dorado Springs, MO 64744, (417) 876-2721; and

Vernon W. Strickland, General Manager, Intercounty Electric Cooperative Association, 102 Maple Avenue, PO Box 209, Licking, MO 65542, (573) 674-2211, commented that the proposed amendment contains requirements that are duplicative with activities already being conducted by either the PSC, Missouri electric cooperatives or both. The cooperative further believes that additional reporting, without benefit to the electrical industry is clerical redundancy. The information required to be reported duplicates mandates already established by OSHA, the USDA Rural Utilities Service, worker's compensation providers, MECIP, insurance carriers, Federated Rural Electric Insurance Exchange, the Association of Missouri Electric Cooperative, Inc. and state and local agencies.

RESPONSE: The commission does not believe that this rule is redundant beyond any possible redundancies that may already exist in federal or state statutes. The commission also does not believe that this rule is redundant to any degree with activities already being conducted by the PSC. The PSC has been given specific statutory obligations regarding safety and currently does not have any assurances that accidents related to its jurisdiction are being reported to the PSC. In fact, the commission currently receives accident reports from one of the utilities that this proposed change would apply to. This rule seeks to address the deficiency that currently exists between our statutory obligations and the information we have available to fulfill that obligation. As noted in the commission response above, the fact that this information is being tracked and provided to multiple organizations makes it clear that simply providing the PSC with a brief description of the incident and following up with the information that is already being provided to other organizations does not create an unreasonable effort on behalf of the electric service providers.

COMMENT: Earle W. Shively, General Manager/CEO, Barry Electric Cooperative, 4015 Main Street, PO Box 307, Cassville, MO 65625, (417) 847-2131;

Thomas J. Steska, General Manager/CEO, Black River Electric Cooperative, PO Box 31, 2600 Highway 67, Fredericktown, Missouri, (573) 783-3381;

Ron Hunter, Manager, Atchison-Holt Electric Cooperative, 18585 Industrial Road, PO Box 160, Rock Port, MO 64482, (660) 744-5344;

Don Ernst, General Manager/CEO, Co-Mo Electric Cooperative, Inc., 29868 Highway 5, PO Box 220, Tipton, MO 65081, (660) 433-5521;

Dan Bryan, Executive Vice President/CEO, Farmers' Electric Cooperative, Inc., Bus. Hwy 36 East, PO Box 680, Chillicothe, MO 64601, (660) 646-4281;

John W. Greenlee, General Manager, Gascosage Electric Cooperative, PO Drawer G, Dixon, MO 65459, (573) 759-7146;

Dan Singletary, General Manager, Howell-Oregon Electric Coop., Inc., PO Box 649, West Plains, MO 65775, (417) 256-2131;

Kenneth L. Miller, General Manager, Laclede Electric Cooperative, PO Box M, Lebanon, MO 65536, (417) 532-3164;

Mark W. Stuart, Facility Coordinator/Safety Director, New-Mac Electric Cooperative, Inc., 12105 Highway 86 East, PO Box 310, Neosho, MO 64850, (417) 451-1515;

Lee M. Binley, General Manager, SeMaNo Electric Cooperative, Mansfield, MO 65704, (417) 924-3243;
Wright L. Bogart, Safety Director, SeMaNo Electric Cooperative, Mansfield, MO 65704, (417) 924-3243;
Mark J. Newbold, Manager of Administrative Services, Central Electric Power Cooperative, 2106 Jefferson St., PO Box 269, Jefferson City, MO 65102, (573) 634-2454;
Thomas W. Howard, CEO/General Manager, Callaway Electric Cooperative, 503 Truman Rd., PO Box 250, Fulton, MO 65251, (573) 642-3326;
Philip M. Ragsdale, Webster Electric Cooperative, 1240 Spur Drive, PO Box 87, Marshfield, MO 65706, (417) 859-2216;
Gene Dorrel, General Manager, United Electric Cooperative, Maryville, MO, (816) 324-3155;
Walter R. Ryan, General Manager, Three Rivers Electric Cooperative, 1324 East Main St., PO Box 918, Linn, MO 65051, (573) 897-2251; and
Vernon W. Strickland, General Manager, Intercounty Electric Cooperative Association, 102 Maple Avenue, PO Box 209, Licking, MO 65542, (573) 674-2211, commented that the incident reporting requirements proposed in section (4) of the proposed amendment will not improve safety. They commented that the *National Electric Code* has already been adopted by the PSC and Missouri law. Missouri electric cooperatives are required to have their systems inspected by a licensed engineer for safety issues and compliance with code. In addition, the cooperatives are regulated by RUS and are required by insurers to meet safety requirements. Additionally, many of the state cooperatives participate in NRECA's safety accreditation program and all participate in the Missouri Electric Cooperative Insurance plan safety audits. The information requested to be reported will not be used to improve any of these safety programs.

RESPONSE: These comments seem to indicate that since the parties' facilities already comply with NESC, are inspected by licensed engineers and the parties are regulated by RUS and required to participate in a number of accreditation programs, they should not be required to report accidents to the PSC. State statutes do not provide for this exception. It is expected that the critical energy delivery systems in our state be well designed, operate safely and meet all appropriate code requirements. The proposed amendment has been developed to provide for notification of significant accidents so that the circumstances surrounding those accidents can be investigated if conditions warrant.

COMMENT: Earle W. Shively, General Manager/CEO, Barry Electric Cooperative, 4015 Main Street, PO Box 307, Cassville, MO 65625, (417) 847-2131;
Thomas J. Steska, General Manager/CEO, Black River Electric Cooperative, PO Box 31, 2600 Highway 67, Fredericktown, Missouri, (573) 783-3381;
Dan Bryan, Executive Vice President/CEO, Farmers' Electric Cooperative, Inc., Bus. Hwy 36 East, PO Box 680, Chillicothe, MO 64601, (660) 646-4281;
John W. Greenlee, General Manager, Gascosage Electric Cooperative, PO Drawer G, Dixon, MO 65459, (573) 759-7146;
Kenneth L. Miller, General Manager, Laclede Electric Cooperative, PO Box M, Lebanon, MO 65536, (417) 532-3164;
Charles J. Crawford, General Manager, Pemiscot-Dunklin Electric Cooperative, Inc., PO Box 657, Hayti, MO 63851, (573) 757-6641;
Thomas W. Howard, CEO/General Manager, Callaway Electric Cooperative, 503 Truman Rd., PO Box 250, Fulton, MO 65251, (573) 642-3326;
Jerry Hartman, Directory of Communications and Safety, Sho-Me Power Electric Cooperative, 301 West Jackson, PO Drawer D, Marshfield, MO 65706, (417) 468-2615;
Gene Dorrel, General Manager, United Electric Cooperative, Maryville, MO, (816) 324-3155;
Philip M. Ragsdale, Webster Electric Cooperative, 1240 Spur Drive, PO Box 87, Marshfield, MO 65706, (417) 859-2216;

Ben Harper, General Manager, Sac Osage Electric Cooperative, Inc., 4815 E. Hwy 54, P.O. Box 111, El Dorado Springs, MO 64744, (417) 876-2721; and
Vernon W. Strickland, General Manager, Intercounty Electric Cooperative Association, 102 Maple Avenue, PO Box 209, Licking, MO 65542, (573) 674-2211, commented that the time requirements in section (4) of the proposed amendment are unrealistic and will cause limited cooperative resources to be drawn away from repair and remedy and instead be devoted to reporting. The reporting time requirement set forth in the proposed document is unrealistic. Investigations and the production of accurate reports will be not only time consuming, but costly for members and customers. Due to the immediate nature of the reporting requirements, personnel typically devoted to restoring the system would be pressed to conduct an instantaneous investigation and file the resulting paperwork. The cooperatives stated that this is contradictory to their policy of limiting the duration and frequency of outages.

RESPONSE: These comments seem to indicate that the parties believe that the commission anticipates that an investigation and report are required before staff can receive its notification. No such requirements are contained in the rule and the commission specifically avoided writing the rule to be burdensome in this manner. The commission is simply requesting a "brief description of an accident" by telephone or EFIS by the end of the first business day following the discovery of the accident. The commission is requesting an update on any additional details that are determined within five (5) business days following discovery of the accident. No investigation results or formal reporting requirements have been prescribed in the rule to keep the efforts associated with notification of staff to an absolute minimum. The commission would note that Kansas City Power and Light Company is currently reporting accidents to the PSC and the commission does not believe that this has represented a significant effort. The commission would also note that in the region surrounding Missouri, four (4) states (Iowa, Illinois, Kentucky and Kansas) currently have accident reporting requirements that are similar to those proposed in this amended rule.

COMMENT: Earle W. Shively, General Manager/CEO, Barry Electric Cooperative, 4015 Main Street, PO Box 307, Cassville, MO 65625, (417) 847-2131;
Thomas J. Steska, General Manager/CEO, Black River Electric Cooperative, PO Box 31, 2600 Highway 67, Fredericktown, Missouri, (573) 783-3381;
Ron Hunter, Manager, Atchison-Holt Electric Cooperative, 18585 Industrial Road, PO Box 160, Rock Port, MO 64482, (660) 744-5344;
Don Ernst, General Manager/CEO, Co-Mo Electric Cooperative, Inc., 29868 Highway 5, PO Box 220, Tipton, MO 65081, (660) 433-5521;
Dan Bryan, Executive Vice President/CEO, Farmers' Electric Cooperative, Inc., Bus. Hwy 36 East, PO Box 680, Chillicothe, MO 64601, (660) 646-4281;
John W. Greenlee, General Manager, Gascosage Electric Cooperative, PO Drawer G, Dixon, MO 65459, (573) 759-7146;
Mark W. Stuart, Facility Coordinator/Safety Director, New-Mac Electric Cooperative, Inc., 12105 Highway 86 East, PO Box 310, Neosho, MO 64850, (417) 451-1515;
Charles J. Crawford, General Manager, Pemiscot-Dunklin Electric Cooperative, Inc., PO Box 657, Hayti, MO 63851, (573) 757-6641;
Lee M. Binley, General Manager, SeMaNo Electric Cooperative, Mansfield, MO 65704, (417) 924-3243;
Wright L. Bogart, Safety Director, SeMaNo Electric Cooperative, Mansfield, MO 65704, (417) 924-3243;
Mark J. Newbold, Manager of Administrative Services, Central Electric Power Cooperative, 2106 Jefferson St., PO Box 269, Jefferson City, MO 65102, (573) 634-2454;
Gene Dorrel, General Manager, United Electric Cooperative, Maryville, MO, (816) 324-3155;

Thomas W. Howard, CEO/General Manager, Callaway Electric Cooperative, 503 Truman Rd., PO Box 250, Fulton, MO 65251, (573) 642-3326;

Ben Harper, General Manager, Sac Osage Electric Cooperative, Inc., 4815 E. Hwy 54, PO Box 111, El Dorado Springs, MO 64744, (417) 876-2721; and

Vernon W. Strickland, General Manager, Intercounty Electric Cooperative Association, 102 Maple Avenue, PO Box 209, Licking, MO 65542, (573) 674-2211, commented that the information reported, pursuant to the amended section (4), to the PSC would become public record and could be used in litigation against cooperatives to enhance damage claims.

RESPONSE: As noted in the comments above, the information the commission is requesting is already being tracked and provided to other entities. Providing staff with this information does not create new litigation risk beyond those associated with notifying staff of reportable accidents and the possibility that staff may decide to investigate an accident and find negligence. Any staff investigation results that show possible negligence on the behalf of the electric service provider could increase litigation risk but staff's ability to perform investigations already exists in statutes. The change in circumstances that this proposed amendment creates is that staff would actually be made aware of the accident. Regarding the comment on information becoming public, the commission notes that it is held to the statutory requirements of section 386.480, RSMo when it receives the information associated with this rule. This section provides that the information received by the commission shall only be divulged to the public under certain limited circumstances and the violation of this statute is a misdemeanor.

COMMENT: Vernon W. Strickland, General Manager, Intercounty Electric Cooperative Association, 102 Maple Avenue, PO Box 209, Licking, MO 65542, (573) 674-2211, commented that the phrase "contact with its energized electrical supply facilities", in section (4) of the proposed amendment, could be "legally" interpreted to cover most of the facilities operated or controlled by the cooperative.

RESPONSE AND EXPLANATION OF CHANGE: It was the commission's intent in its draft language that this proposed amendment apply to electrical contact with energized facilities. The commission has amended the rule to include the words "electrical" before the word "contact" in "contact with its energized electrical supply facilities" and "resulting from electrical contact" before "considered significant by the utility" in section (4). This should help to clarify the intent of the proposed amendment. The commission notes that the rule language noted in this comment was taken directly from the notice requirement rule in Iowa.

COMMENT: Michael F. Barnes, Attorney for Union Electric Company, 1901 Chouteau M/C 1310, St. Louis, MO 63103, (314) 554-2552, commented that Ameren has no objection to those rule changes that change terminology to be consistent with the definitions in 4 CSR 240-3.010 or the express implementation of reporting through the Commission's Electronic Filing and Information System (EFIS).

RESPONSE: The commission agrees with this comment.

COMMENT: Michael F. Barnes, Attorney for Union Electric Company, 1901 Chouteau M/C 1310, St. Louis, MO 63103, (314) 554-2552, commented that Ameren questions the need for additional monthly reporting requirements in section (1), and Ameren also questions the use the Missouri Public Service Commission staff ("staff") makes of the information submitted. Ameren notes that during a rate case the staff asks for some of the same information that is reported on a monthly basis. Ameren further notes that during the most recent Ameren rate case, some staff did not know that the commission had been receiving this data for years.

RESPONSE: The commenting party questions the need for additional monthly reporting requirements. The commission's staff uses

the monthly reporting requirement information submitted by the electric utilities to estimate fuel and purchase power expenses for rate cases and staff investigations. The original purpose of the monthly reporting requirements was to enable staff to do such work. The changes to these reporting requirements result from the staff's experience using the data. The change to the previous subsection (1)(D) is to clarify the information needed. Most of the utilities currently supply the net system input that was added as a requirement. Previously, staff could add up the hourly generation and purchase power reports to obtain net system input for the utility. However, when a utility begins joint dispatching with other affiliates or divisions, the hourly reports cannot be aggregated to obtain the net system inputs because the generation and purchase power reported is what is necessary to meet the joint load. So to make sure that staff receives net system input for the utility, this requirement was added. The only monthly information requirement that was added was for as-burned fuel reports. Over time, staff has found that these reports were needed to accurately estimate fuel expenses.

Staff routinely asks for the same information in every rate case because, in the past when staff used the information submitted monthly, the utility would rebut the staff's use of the data saying that the data used was incorrect as was done in the most recent Ameren rate case. Asking for the information again in a rate or complaint case gives the utility the opportunity to supplement, clarify or correct any data that it might have submitted on a monthly basis. If the data that was sent on a monthly basis is accurate, the utility only has to reply to the staff's request that the staff should use the information submitted pursuant to the rule.

There are staff who are not aware of the requirements of this rule just as there are utility employees that are not aware that the utility supplies this data to the staff. If someone from staff requests data that is submitted to the Energy Department on a monthly basis, the utility only needs to reply that the data has already been supplied to the Energy Department. The staff's Energy Department is more than willing to provide the data to anyone on staff that needs the information.

COMMENT: Michael F. Barnes, Attorney for Union Electric Company, 1901 Chouteau M/C 1310, St. Louis, MO 63103, (314) 554-2552, commented that Ameren is unsure how some information requirements will be gathered. The fuel blending requirements in subsection (1)(C) may have to be based on an estimate.

RESPONSE: If the utility is blending two (2) types of coal in order to get a mix of the best characteristics of both coals, then there should be a target for the amount of each type of coal in the blend.

Typically the operational constraints based on the boiler design will determine the optimum blend of two (2) types of coals. A blend percentage is selected based on certain boiler operational constraints and that blend becomes the target for the fuel handling crews to meet. If this is the process, then an average blend percentage for a month should be known.

However, if two (2) or more coals are burned as a mix but not necessarily in any fixed percentage of each, and the coals are mixed on the coal pile as they are received, then the commission would accept an estimated blend percentage.

COMMENT: Michael F. Barnes, Attorney for Union Electric Company, 1901 Chouteau M/C 1310, St. Louis, MO 63103, (314) 554-2552, commented that Ameren requests that the language in subsection (1)(C) be amended to exclude nuclear plants from these particular reporting requirements. Also, Ameren requests flexibility so that the fuel reports can be either for each "unit" or for each plant.

RESPONSE AND EXPLANATION OF CHANGE: Language has been added to the amendment that exempts non-carbon based plants, which would exclude nuclear and renewable plants from reporting fuel Btu consumption. The intent is to be able to monitor each unit not each plant.

Unless the plant does not have separate gas/oil meters, or separate coal bunkers/silos, or individual measuring devices (such as coal feeder belt scales or gas/oil flow metering devices for each boiler), the amount of fuel burned by each boiler should be known.

If the boilers have a common bunker/silo and/or no separate fuel measuring devices, then the utility can report the fuel burned in total for those boilers, and an estimate of the fuel for each unit (boiler-turbine generator).

If more than one boiler provides steam to a turbine generator, then the utility can report fuel burned for the boilers and the estimated percentage of fuel burned for each turbine generator.

COMMENT: Michael F. Barnes, Attorney for Union Electric Company, 1901 Chouteau M/C 1310, St. Louis, MO 63103, (314) 554-2552, commented that subsections (1)(K) and (3)(A) propose to raise the reporting threshold for accidents at a generation plant from fifty thousand (\$50,000) to one hundred thousand dollars (\$100,000). Ameren supports this change.

RESPONSE: The commission agrees with this comment.

COMMENT: Michael F. Barnes, Attorney for Union Electric Company, 1901 Chouteau M/C 1310, St. Louis, MO 63103, (314) 554-2552, commented that Ameren opposes the addition of section (4), which deals with reporting of certain accidents for several reasons. First, the reporting will add greatly to the administrative burdens of the electric utilities and cooperatives. The initial reporting, and even more so the follow-up reporting, will require a significant amount of time and effort, which will come at a time when utility personnel are probably already devoting substantial time and effort to the accident investigation and follow-up.

Second, Ameren questions the commission's need for this reporting. Ameren recognizes that the commission has the right to investigate whether the utilities are rendering safe and adequate utility service, in accordance with the *National Electrical Safety Code*. Ameren believes that the impetus for this proposed change is related to an incident that occurred when a member of the public was seriously injured when they contacted an electrical line. The commission was contacted by news media for information, which they were not immediately able to give. This solitary incident is not sufficient to impose a stringent regulatory reporting burden on electric utilities and cooperatives. Staff, if contacted by the media, can continue to contact the utility for information, as staff has in the past.

If the commission is not willing to eliminate section (4) in its entirety, then Ameren urges the commission to substantially revise it, in order to make it more reasonable and relevant. Ameren suggests the following changes.

The rule requires reporting of "any accident resulting from contact with its energized supply facilities." Ameren suggests inserting "electrical" before "contact." Ameren believes the commission is interested in instances where a person or object actually contacts an energized source. The change would eliminate instances, for example, where a vehicle collides with a distribution pole, something that probably happens almost every day in Ameren's service territory. Ameren also interprets the regulation to not require reporting of contacts that may take place with customer-owned electrical equipment, such as in residence and other structures.

Ameren suggests that the commission not require a follow-up report on each and every incident. As noted above, the mandatory follow-up report will entail significant costs and attention. Instead, Ameren suggests that the rule be changed so that the utility will send a follow-up report when so requested by the staff. This would give the staff some discretion as to which reported incidents to pursue and which can be closed. The last sentence should be changed to read: "If requested by the manager of the Energy Department of the commission or his/her designee, the electric utility or rural electric cooperative shall submit, either by mail or through EFIS within five (5) business days after such request, an update of the incident and any details not available at the time of the initial report."

The proposed amendment requires reporting of electric contact accidents that result in "ten thousand dollars (\$10,000) in damages to the property of the utility or others." Ameren suggests that this language be deleted from the proposed amendment. First, Ameren suggests the commission is much more interested in electrical contacts that result in deaths or hospital admissions rather than property damage. Second, it could be very difficult, if not impossible, for a utility to calculate or even estimate property damage by the end of the first business day following discovery of the electrical contact.

If the commission is unwilling to delete this property damage provision, then Ameren suggests that the ten thousand dollars (\$10,000) reporting limit be raised to a dollar figure that would justify both investigation and reporting burdens on the utility and the staff's efforts if staff decides to investigate the accident. Ameren suggests fifty thousand dollars (\$50,000) as the property damage minimum. RESPONSE AND EXPLANATION OF CHANGE: The commenting party's opposition to the administrative burdens required in the addition of section (4) is similar to that of the cooperatives. The commission response to this opposition has already been set forth in response to previous comments.

The commenting party does not believe that the accident reporting requirements of section (4) of the amended rule are necessary as current reporting requirements and other changes to the rule adequately ensure the safety of the public and utility employees. The commission would note that current reporting requirements do nothing to address accidents outside of power plants. It is expected that the critical energy delivery systems in our state be well designed, operate safely and meet all appropriate code requirements. The amended rule has been developed to provide for notification of significant accidents so that the circumstances surrounding those accidents can be investigated if conditions warrant. The PSC has been given specific statutory obligations regarding safety and currently does not have any assurances that accidents related to its jurisdiction are being reported to the PSC. This rule seeks to address the deficiency that currently exists between our statutory obligations and the information we have available to fulfill that obligation.

The commenting party believes that the commission is primarily interested in instances where a person or object actually contacts an energized source. The commission agrees with this comment. The commission agrees with the suggestion of putting the word "electrical" before the word "contact" so that the rule would require the reporting of "any accident resulting from electrical contact with its energized facilities." The commission has further clarified the rule by adding "resulting from electrical contact" before "considered significant by the utility" in section (4).

The commenting party also states that it interprets the rule to not require reporting of contacts that may take place with customer-owned electrical equipment, such as in residences and other structures. The commission agrees with this interpretation and believes that the amended rule language is sufficiently clear.

As other commenting parties did, the commenting party believes that the mandatory follow-up report will entail significant costs and attention. It proposes, as an alternative, follow-up reports would be made as requested by the commission. It is the commission's intent to keep the efforts associated with notification of the commission to an absolute minimum. The commission believes that any prudent electrical provider would be tracking accidents that the commission is asking for information on and that a brief report sent to staff within five (5) working days should not entail significant costs and attention.

The commenting party suggests that the requirement to report accidents that result in ten thousand dollars (\$10,000) of damage be removed from the rule. The commission agrees with this comment and has revised the amended rule to require reporting of accidents that result in hospitalizations or fatalities.

The commenting party requested that if the property damage provision was not eliminated that the property damage minimum be raised to fifty thousand dollars (\$50,000). The commission has

removed this requirement from the amended rule as a result of prior comments.

COMMENT: Dean L. Cooper, Brydon, Swaengen & England P.C., 312 East Capitol Avenue, PO Box 456, Jefferson City, MO 65102, (573) 635-7166; and

Jerry Divin, President of the Board, Association of Missouri Electric Cooperatives, 2722 East McCarty Street, PO Box 1645, Jefferson City, MO 65102, (573) 635-6857, commented that The Empire District Electric Company (Empire) and The Association of Missouri Electric Cooperatives (AMEC) oppose the addition of section (4) as proposed in 4 CSR 240-3.190. Empire believes that the addition of this section is unnecessary and that the current reporting system, coupled with the other suggested changes to this rule, adequately ensure safety of the public and utility employees.

RESPONSE: The commenting parties do not believe that the accident reporting requirements of section (4) of the amended rule are necessary as current reporting requirements and other changes to the rule adequately ensure the safety of the public and utility employees. The commission would note that current PSC reporting requirements do nothing to address accidents of regulated electric utilities outside of power plants or any accidents involving cooperatives. Further, the fact that NESC was updated in the amended rule does nothing to address accidents, and potential investigation of those accidents, related to energized electrical supply facilities. The comments of Empire seem to indicate that since the utility already complies with NESC they should not be required to report accidents to the PSC. State statutes do not provide for this exception. It is expected that the critical energy delivery systems in our state be well designed, operate safely and meet all appropriate code requirements. The amended rule has been developed to provide for notification of significant accidents so that the circumstances surrounding those accidents can be investigated if conditions warrant. The PSC has been given specific statutory obligations regarding safety and currently does not have any assurances that accidents related to its jurisdiction are being reported to the PSC. This rule seeks to address the deficiency that currently exists between our statutory obligations and the information we have available to fulfill that obligation.

COMMENT: Dean L. Cooper, Brydon, Swaengen & England P.C., 312 East Capitol Avenue, PO Box 456, Jefferson City, MO 65102, (573) 635-7166 commented that Empire is opposed to the ten thousand dollars (\$10,000) threshold for reporting of incidents involving property damage, proposed in section (4). Empire believes that this limit is too low and should be stricken from the rule amendment. Alternatively, Empire would suggest that a one hundred thousand dollars (\$100,000) damage threshold be set, to be consistent with proposed subsection (3)(A).

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment and has revised the amended rule to limit reporting requirements to accidents that result in hospitalizations or fatalities or other accidents considered significant by the utility.

4 CSR 240-3.190 Reporting Requirements for Electric Utilities and Rural Electric Cooperatives

(1) Commencing on September 1, 1991, every electric utility shall accumulate the following information and transmit it to the manager of the Energy Department of the commission, or his/her designee, no later than the last business day of the month following the month to be reported and after that on a monthly basis:

(C) Monthly as-burned fuel report for each carbon-based fuel generating unit, including the amount of each type of fuel consumed, the British thermal unit (Btu) value of each fuel consumed, and the blending percentages (if applicable);

(4) Every electric utility and rural electric cooperative shall report to the manager of the Energy Department of the commission or his/her

designee, by telephone or through EFIS, a brief description of an accident by the end of the first business day following the discovery of any accident resulting from electrical contact with its energized electrical supply facilities which results in admission to a hospital or the fatality of an employee or other person or any other accident resulting from electrical contact considered significant by the utility. The electric utility or rural electric cooperative shall submit, either by mail or through EFIS within five (5) business days following the discovery, an update of the incident and any details not available at the time of the initial report.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-3.245 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2003 (28 MoReg 2215-2216). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were filed with the Public Service Commission addressing the proposed amendment.

COMMENT: The staff of the Missouri Public Service Commission expressed a concern that if a reporting public utility only submits a single, completed version of its annual report containing information it wishes to maintain as nonpublic, until the reporting public utility files a second, redacted version for public viewing, the version that contains the nonpublic information will be subject to public view.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. To eliminate the concern expressed in the comment, the commission will modify section (4) of the rule.

COMMENT: Michael Pendergast, Vice President and Associate General Counsel, and Rick Zucker, Assistant General Counsel - Regulatory, of Laclede Gas Company; and Leo J. Bub, Senior Counsel, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, each filed comments suggesting that the time period allotted to a company to support the confidentiality of data filed under seal that is subject to a challenge be extended to fifteen (15) days, from the ten (10) days in the proposed amendment. They suggest that ten (10) days may be inadequate for a company to respond if the challenging party transmits its pleadings via regular mail service.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. The commission will change the time allotted for a response to a pleading requesting an order to make information filed under seal available to the public from ten (10) days to fifteen (15) days in section (5) of the proposed amendment.

COMMENT: W.R. England III and Brian McCartney, attorneys for Missouri-American Water Company, filed comments recommending that the commission adopt the staff of the commission's recommendation regarding modifications to section (4) of the proposed amendment, and recommending that the commission adopt Laclede Gas

Company and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri's recommendations regarding section (5) of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: Although the comments pertain to the rule for water utilities, in the interest of consistency, the commission will apply the recommendations to this rule as well. The commission has considered the comments and will adopt the recommended modifications as addressed above.

4 CSR 240-3.245 Annual Report Submission Requirements for Gas Utilities

(4) If a gas utility subject to this rule considers the information requested on the annual report form to be nonpublic information, it must submit both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted as nonpublic information to be kept under seal. Submittals made under this section that do not include both versions will be considered deficient. The staff on behalf of the commission will issue a deficiency letter to the company and if both versions of the annual report are not received within twenty (20) days of the notice, the submittal will be considered non-compliant. In addition to the foregoing, submittals made under this section must meet the following requirements:

(5) If an entity asserts that any of the information contained in the nonpublic version of the annual report should be made available to the public, then that entity must file a pleading with the commission requesting an order to make the information available to the public, and shall serve a copy of the pleading on the utility affected by the request. The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal. The utility affected by the request may file a response to a pleading filed under these provisions within fifteen (15) days after the filing of such a pleading. Within five (5) business days after the due date for the filing of the utility's response to a request filed under these provisions, the general counsel by filing of a pleading will make a recommendation to the commission advising whether the request should be granted.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-3.335 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2003 (28 MoReg 2216-2217). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were filed with the Public Service Commission addressing the proposed amendment.

COMMENT: The staff of the Missouri Public Service Commission expressed a concern that if a reporting public utility only submits a single, completed version of its annual report containing information it wishes to maintain as nonpublic, until the reporting public utility

files a second, redacted version for public viewing, the version that contains the nonpublic information will be subject to public view.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. To eliminate the concern expressed in the comment, the commission will modify section (4) of the rule.

COMMENT: Michael Pendergast, Vice President and Associate General Counsel, and Rick Zucker, Assistant General Counsel - Regulatory, of Laclede Gas Company; and Leo J. Bub, Senior Counsel, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, filed comments suggesting that the time period allotted to a company to support the confidentiality of data filed under seal that is subject to a challenge be extended to fifteen (15) days, from the ten (10) days in the proposed amendment. They suggest that ten (10) days may be inadequate for a company to respond if the challenging party transmits its pleadings via regular mail service.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. Although the comments pertain to the rules for gas utilities and telecommunications companies respectively, in the interest of consistency, the commission will apply the recommendations to this rule as well. The commission will change the time allotted for a response to a pleading requesting an order to make information filed under seal available to the public from ten (10) days to fifteen (15) days in section (5) of the proposed amendment.

COMMENT: W.R. England III and Brian McCartney, attorneys for Missouri-American Water Company, filed comments recommending that the commission adopt the staff of the commission's recommendation regarding modifications to section (4) of the proposed amendment, and recommending that the commission adopt Laclede Gas Company and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri's recommendations regarding section (5) of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: Although the comments pertain to the rule for water utilities, in the interest of consistency, the commission will apply the recommendations to this rule as well. The commission has considered the comments and will adopt the recommended modifications as addressed above.

4 CSR 240-3.335 Annual Report Submission Requirements for Sewer Utilities

(4) If a sewer utility subject to this rule considers the information requested on the annual report form to be nonpublic information, it must submit both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted as nonpublic information to be kept under seal. Submittals made under this section that do not include both versions will be considered deficient. The staff on behalf of the commission will issue a deficiency letter to the company and if both versions of the annual report are not received within twenty (20) days of the notice, the submittal will be considered non-compliant. In addition to the foregoing, submittals made under this section must meet the following requirements:

(5) If an entity asserts that any of the information contained in the nonpublic version of the annual report should be made available to the public, then that entity must file a pleading with the commission requesting an order to make the information available to the public, and shall serve a copy of the pleading on the utility affected by the request. The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal. The utility affected by the request may file a response to a pleading

filed under these provisions within fifteen (15) days after the filing of such a pleading. Within five (5) business days after the due date for the filing of the utility's response to a request filed under these provisions, the general counsel by filing of a pleading will make a recommendation to the commission advising whether the request should be granted.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 393.140 and 393.290, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-3.435 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2003 (28 MoReg 2217-2219). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were filed with the Public Service Commission addressing the proposed amendment.

COMMENT: The staff of the Missouri Public Service Commission expressed a concern that if a reporting public utility only submits a single, completed version of its annual report containing information it wishes to maintain as nonpublic, until the reporting public utility files a second, redacted version for public viewing, the version that contains the nonpublic information will be subject to public view.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. To eliminate the concern expressed in the comment, the commission will modify section (4) of the rule.

COMMENT: Michael Pendergast, Vice President and Associate General Counsel, and Rick Zucker, Assistant General Counsel - Regulatory, of Laclede Gas Company; and Leo J. Bub, Senior Counsel, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, filed comments suggesting that the time period allotted to a company to support the confidentiality of data filed under seal that is subject to a challenge be extended to fifteen (15) days, from the ten (10) days in the proposed amendment. They suggest that ten (10) days may be inadequate for a company to respond if the challenging party transmits its pleadings via regular mail service.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. Although the comments pertain to the rules for gas utilities and telecommunications companies respectively, in the interest of consistency, the commission will apply the recommendations to this rule as well. The commission will change the time allotted for a response to a pleading requesting an order to make information filed under seal available to the public from ten (10) days to fifteen (15) days in section (5) of the proposed amendment.

COMMENT: W.R. England III and Brian McCartney, attorneys for Missouri-American Water Company, filed comments recommending that the commission adopt the staff of the commission's recommendation regarding modifications to section (4) of the proposed amendment, and recommending that the commission adopt Laclede Gas Company and Southwestern Bell Telephone, L.P. d/b/a SBC

Missouri's recommendations regarding section (5) of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: Although the comments pertain to the rule for water utilities, in the interest of consistency, the commission will apply the recommendations to this rule as well. The commission has considered the comments and will adopt the recommended modifications as addressed above.

**4 CSR 240-3.435 Annual Report Submission Requirements for
Steam Heating Utilities**

(4) If a steam heating utility subject to this rule considers the information requested on the annual report form to be nonpublic information, it must submit both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted as non-public information to be kept under seal. Submittals made under this section that do not include both versions will be considered deficient. The staff on behalf of the commission will issue a deficiency letter to the company and if both versions of the annual report are not received within twenty (20) days of the notice, the submittal will be considered noncompliant. In addition to the foregoing, submittals made under this section must meet the following requirements:

(5) If an entity asserts that any of the information contained in the nonpublic version of the annual report should be made available to the public, then that entity must file a pleading with the commission requesting an order to make the information available to the public, and shall serve a copy of the pleading on the utility affected by the request. The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal. The utility affected by the request may file a response to a pleading filed under these provisions within fifteen (15) days after the filing of such a pleading. Within five (5) business days after the due date for the filing of the utility's response to a request filed under these provisions, the general counsel by filing of a pleading will make a recommendation to the commission advising whether the request should be granted.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000, and 393.291, RSMo Supp. 2003, the commission adopts a rule as follows:

**4 CSR 240-3.440 Small Steam Heating Utility Rate Case
Procedure is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 3, 2003 (28 MoReg 1906-1907). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held December 9, 2003, and the public comment period ended December 4, 2003. At the public hearing, Warren Wood, Manager of the Energy Department of the Public Service Commission of Missouri and John B. Coffman, Director, the Office

of the Public Counsel, briefly explained the development and history of the proposed rule. No comments were received regarding the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 392.210, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-3.540 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2003 (28 MoReg 2219-2220). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were filed with the Public Service Commission addressing the proposed amendment.

COMMENT: The staff of the Missouri Public Service Commission expressed a concern that if a reporting public utility only submits a single, completed version of its annual report containing information it wishes to maintain as nonpublic, until the reporting public utility files a second, redacted version for public viewing, the version that contains the nonpublic information will be subject to public view.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. To eliminate the concern expressed in the comment, the commission will modify section (4) of the rule.

COMMENT: Michael Pendergast, Vice President and Associate General Counsel, and Rick Zucker, Assistant General Counsel - Regulatory, of Laclede Gas Company; and Leo J. Bub, Senior Counsel, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, each filed comments suggesting that the time period allotted to a company to support the confidentiality of data filed under seal that is subject to a challenge be extended to fifteen (15) days, from the ten (10) days in the proposed amendment. They suggest that ten (10) days may be inadequate for a company to respond if the challenging party transmits its pleadings via regular mail service.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. The commission will change the time allotted for a response to a pleading requesting an order to make information filed under seal available to the public from ten (10) days to fifteen (15) days in section (5) of the proposed amendment.

COMMENT: W.R. England III and Brian McCartney, attorneys for Missouri-American Water Company, filed comments recommending that the commission adopt the staff of the commission's recommendation regarding modifications to section (4) of the proposed amendment, and recommending that the commission adopt Laclede Gas Company and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri's recommendations regarding section (5) of the proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: Although the comments pertain to the rule for water utilities, in the interest of consistency, the commission will apply the recommendations to this rule

as well. The commission has considered the comments and will adopt the recommended modifications as addressed above.

4 CSR 240-3.540 Annual Report Submission Requirements for Telecommunications Companies

(4) If a telecommunications company subject to this rule considers the information requested on the annual report form to be nonpublic information, it must submit both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted as nonpublic information to be kept under seal. Submittals made under this section that do not include both versions will be considered deficient. The staff on behalf of the commission will issue a deficiency letter to the company and if both versions of the annual report are not received within twenty (20) days of the notice, the submittal will be considered noncompliant. In addition to the foregoing, submittals made under this section must meet the following requirements:

(5) If an entity asserts that any of the information contained in the nonpublic version of the annual report should be made available to the public, then that entity must file a pleading with the commission requesting an order to make the information available to the public, and shall serve a copy of the pleading on the utility affected by the request. The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal. The utility affected by the request may file a response to a pleading filed under these provisions within fifteen (15) days after the filing of such a pleading. Within five (5) business days after the due date for the filing of the utility's response to a request filed under these provisions, the general counsel by filing of a pleading will make a recommendation to the commission advising whether the request should be granted.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-3.640 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2003 (28 MoReg 2220-2221). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were filed with the Public Service Commission addressing the proposed amendment.

COMMENT: The staff of the Missouri Public Service Commission expressed a concern that if a reporting public utility only submits a single, completed version of its annual report containing information it wishes to maintain as nonpublic, until the reporting public utility files a second, redacted version for public viewing, the version that contains the nonpublic information will be subject to public view.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. To eliminate the concern

expressed in the comment, the commission will modify section (4) of the rule.

COMMENT: Michael Pendergast, Vice President and Associate General Counsel, and Rick Zucker, Assistant General Counsel - Regulatory, of Laclede Gas Company; and Leo J. Bub, Senior Counsel, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, filed comments suggesting that the time period allotted to a company to support the confidentiality of data filed under seal that is subject to a challenge be extended to fifteen (15) days, from the ten (10) days in the proposed amendment. They suggest that ten (10) days may be inadequate for a company to respond if the challenging party transmits its pleadings via regular mail service.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. Although the comments pertain to the rules for gas utilities and telecommunications companies respectively, in the interest of consistency, the commission will apply the recommendations to this rule as well. The commission will change the time allotted for a response to a pleading requesting an order to make information filed under seal available to the public from ten (10) days to fifteen (15) days in section (5) of the proposed amendment.

COMMENT: W.R. England III and Brian McCartney, attorneys for Missouri-American Water Company, filed comments recommending that the commission adopt the staff of the commission's recommendation regarding modifications to section (4) of the proposed amendment, and recommending that the commission adopt Laclede Gas Company and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri's recommendations regarding section (5) of the proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and will adopt the recommended modifications as addressed above.

4 CSR 240-3.640 Annual Report Submission Requirements for Water Utilities

(4) If a water utility subject to this rule considers the information requested on the annual report form to be nonpublic information, it must submit both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted as nonpublic information to be kept under seal. Submittals made under this section that do not include both versions will be considered deficient. The staff on behalf of the commission will issue a deficiency letter to the company and if both versions of the annual report are not received within twenty (20) days of the notice, the submittal will be considered non-compliant. In addition to the foregoing, submittals made under this section must meet the following requirements:

(5) If an entity asserts that any of the information contained in the nonpublic version of the annual report should be made available to the public, then that entity must file a pleading with the commission requesting an order to make the information available to the public, and shall serve a copy of the pleading on the utility affected by the request. The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the utility justifying why the information should be kept under seal. The utility affected by the request may file a response to a pleading filed under these provisions within fifteen (15) days after the filing of such a pleading. Within five (5) business days after the due date for the filing of the utility's response to a request filed under these provisions, the general counsel by filing of a pleading will make a recommendation to the commission advising whether the request should be granted.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140(11), the commission withdraws an amendment as follows:

4 CSR 240-13.015 Definitions is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 MoReg 2140-2141). The proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The commission received only a few comments on the proposed amendment. Some of the comments opposed the amendment and others were in support. One company said that the definition of applicant should be the same as the definition of customer. The commission had not made a formal determination of necessity prior to publication of the proposed amendment.

RESPONSE: The commission is withdrawing the amendment because it did not make a formal finding of necessity for this particular amendment prior to the publication of the proposed amendment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 18—Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.310 and 394.160, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-18.010 Safety Standards for Electric Utilities, Telecommunication Companies and Rural Electric Cooperatives is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2030). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held December 30, 2003, and the public comment period ended December 17, 2003. At the public hearing, Warren Wood, Manager of the Energy Department of the Public Service Commission of Missouri, briefly explained the development of the proposed amendment.

COMMENT: Michael F. Barnes, attorney for Union Electric Company, testified in support of the adoption of the 2002 edition of the *National Electric Safety Code*. Michael F. Barnes, attorney for Union Electric Company and Dean L. Cooper, attorney on behalf of The Empire District Electric Company, testified in opposition to the reference to the incident reporting requirements proposed in 4 CSR 240-3.190(4). Both Union Electric Company and the Empire District Electric Company also provided comments in the proposed amendment 4 CSR 240-3.190 rulemaking proceeding.

RESPONSE: The only comments related to this amendment provided in this rulemaking proceeding were either in support of the NESC code update or in opposition to the reference to the incident reporting requirements in 4 CSR 240-3.190(4). The commission finds that the reference to the incident reporting requirements in the proposed amendment is appropriate as it provides a cross-reference to the reporting requirement in the safety standards rule. The commission did not incorporate changes to the proposed amendment as a result of the comments in opposition to the rule provided in this rulemaking proceeding, and the rule will be adopted as it appeared when published in the *Missouri Register* on November 17, 2003.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-2.260 Control of Petroleum Liquid Storage, Loading and Transfer **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2003 (28 MoReg 1564–1567). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comment to this proposed rulemaking.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.010, RSMo Supp. 2003 and 144.070, RSMo 2000, the director amends a rule as follows:

12 CSR 10-23.424 Leasing Company Registration **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2032). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.304, 302.540 and 577.041, RSMo Supp. 2003 and 302.342, RSMo 2000, the director amends a rule as follows:

12 CSR 10-24.040 Completion Requirement for Driving While Intoxicated (DWI) Rehabilitation Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2032–2033). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.015, RSMo 2000 and 302.700, RSMo Supp. 2003, the director amends a rule as follows:

12 CSR 10-24.200 Driver License Classes **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2033–2034). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.177, RSMo Supp. 2003, the director rescinds a rule as follows:

12 CSR 10-24.450 Staggering Expiration Dates of Driver/NonDriver Licenses **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2034). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management

ORDER OF RULEMAKING

By the authority vested in the secretary of state under sections 109.221.3 and 109.221.5, RSMo 2000, the secretary rescinds a rule as follows:

15 CSR 30-45.040 Missouri Historical Records Advisory Board (MHRAB) Regrant Program Administration is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2037-2038). No changes have been made in the proposed rescission, so it is not reprinted here. The proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management**

ORDER OF RULEMAKING

By the authority vested in the secretary of state under sections 109.221.3 and 109.221.5 RSMo 2000, the secretary adopts a rule as follows:

15 CSR 30-45.040 Missouri Historical Records Advisory Board (MHRAB) Regrant Program Administration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2038-2040). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.2-202, 409.6-605 and 409.6-608, RSMo Supp. 2003, the commissioner adopts a rule as follows:

15 CSR 30-54.175 Solicitation of Interest is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2041). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2003, the commissioner rescinds a rule as follows:

15 CSR 30-54.230 Exemption for Certain Unit Investment Trust Units is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2041). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2003, the commissioner rescinds a rule as follows:

15 CSR 30-54.240 Missouri Issuer Exemption is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2041-2042). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2003, the commissioner rescinds a rule as follows:

15 CSR 30-54.280 Tax Credit Exemption is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2042). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Health Standards
and Licensure
Chapter 82—General Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 660.017, RSMo 2000 and 660.050 and 660.317, RSMo Supp. 2003, the department amends a rule as follows:

19 CSR 30-82.060 Hiring Restrictions—Good Cause Waiver is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (28 MoReg 2042–2045). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received one (1) comment letter on the proposed amendment from a group of three (3) industry associations.

COMMENT: The group of industry associations voiced three (3) concerns related to certified copies of court documents:

1. The industry associations believe that requiring certified court documents for all past felony and misdemeanor incidents is placing a difficult burden on the applicant because long-past court records are unlikely to be readily available and court personnel may not give priority to retrieving them quickly. They believe this burden in most cases is unnecessary because if the Highway Patrol criminal background report is accurate, certified documents would do little more than confirm the existing knowledge. The group also believes that requiring certified court documents initially for all past cases will result in otherwise qualified persons abandoning the good cause waiver application process. The group of industry associations suggests that the rule amendment be changed to require certified court documents only for those crimes for which hiring is prohibited under section 660.317, RSMo. Certified court documents for those crimes not addressed by section 660.317, RSMo, could be requested during the application review process if the department deemed them necessary;

2. The industry associations believe the word “certified” should be defined by rule; and

3. The industry associations believe the rule should clarify what court documents are to be included with the application for a waiver of criminal charges.

RESPONSE: Between October 26, 2003 (the effective date of the emergency rule) and December 23, 2003, the Department of Health and Senior Services (DHSS) received one hundred sixty-two (162) applications for a good cause waiver. Only twelve (12) of these applications were returned with a request for certified court documents.

The DHSS recognizes that there may sometimes be logistical difficulties in obtaining court documents. However, since the emergency rule became effective, the good cause waiver committee has found the additional court documents submitted with the applications for waiver of criminal charges to be of material assistance when determining the applicant’s character and quality of conduct leading to the criminal charges. These records provide additional detail surrounding the offense rather than the bare identity of the offense. Certified copies of the court documents are the best avenue for ensuring that the department receives a true and accurate copy of court documents to assist the committee in making their decision to either approve or deny a waiver. The department believes as long as the certified court documents are available; they need to be provided as a matter of course.

The DHSS believes that the concept of “certified copies” of court records is sufficiently, generally understood that the circuit courts of the state have incorporated the concept in their local rules and pro-

vided, explicitly, for the fees for such certified copies. For example, Rule 7.2 of the 16th Judicial Circuit (Jackson County) and Rule 7.2 of the 22nd Judicial Circuit (St. Louis City) address certified copies of court documents and the fee per page. Also, based on the applications received, applicants appear to have an understanding of the concept of certified court documents. DHSS does not believe that the word certified needs to be further defined.

The DHSS has developed a list of court documents to be submitted for the waiver of misdemeanors and felonies. This list will be included as a frequently asked question (FAQ) on the Good Cause Waiver website at: www.dhss.state.mo.us/goodcausewaiver/.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 2—Energy Set-Aside Fund**

IN ADDITION

Tornado Damage Application Cycle Notification

In accordance with sections 640.651 to 640.686, RSMo, the Department of Natural Resources is herein publishing the terms for a special offering of assistance from the Energy Set-Aside Loan Fund. These loan funds may be used to implement cost-effective energy-efficiency projects in public buildings or facilities or educational buildings or facilities that were damaged during May 2003 severe storms as further outlined below.

Eligible applicants for this assistance are schools as defined in subsection 640.651(18), RSMo, city governments and county governments that meet the following special conditions. Applications received will be reviewed on a first-come, first-served basis.

Special conditions for applicants:

- Tornado-bearing storm events under which applications for special loan financing may be made are those that occurred in Missouri between May 4 and May 10, 2003.
- The community must lie within a Missouri county declared a disaster area by the Federal Emergency Management Agency.
- In the case of loan financing requested for an existing building, the building in question must have sustained actual damage during the May 4 through May 10, 2003 storms.
- In the case of loan financing requested for a new building, the proposed project must be a direct replacement of a building or buildings that sustained actual damage during the May 4 through May 10, 2003 storms.
- Buildings eligible for loan financing are as follows (examples of "other facilities" may include wastewater treatment plants, public drinking water treatment plants, or sports fields that have energy-using equipment such as lighting):

Buildings or other facilities owned by schools, as defined in subsection 640.651(18), RSMo;

Buildings or other public facilities owned by a city government;

Buildings or other public facilities owned by a county government.

- Eligible applicants for storm-damaged loan financing are as follows:

City governments,

County governments,

Officials of schools as defined above.

- The Energy Center shall evaluate loan financing applications for tornado-damaged buildings and facilities in accordance with and for energy-efficiency improvements as set out in sections 640.651 to 640.686, RSMo.

- Eligible applicants may apply for special loan financing through June 30, 2004, for damage sustained during storm occurrences between May 4 and May 10, 2003.

Up to three (3) million dollars is available for energy efficiency projects. The maximum application will be limited to one (1) million dollars. The interest rate shall be zero percent (0%).

Eligible applicants may request an application packet or receive additional information by contacting (573) 751-6630, or information may be obtained via the Internet at <http://www.dnr.mo.gov/homednr.htm>.

Construction Transient

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADECCO USA INC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
ADUDDLELL ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
ADVANTAGE PROFESSIONAL OF PHOENIX LLC	5110 MAIN ST	WILLIAMSVILLE	NY	14221
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
AJILON PROFESSIONAL STAFFING LLC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
AMERICAN CIVIL CONSTRUCTORS INC	4901 S WINDERMERE ST	LITTLETON	CO	80120
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN DIGITAL SYSTEMS/FIBRACOM	12787 E 41ST ST	TULSA	OK	74145
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICAN MINE SERVICES	12570 E 39TH AVENUE	DENVER	CO	80239
AMERICAN SHELTERS	105 MARKET ST BOX 272	AUDUBON	IA	50025
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANGELO IAFRATE CONSTRUCTION COMPANY	26400 SHERWOOD	WARREN	MI	48091
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
ANYTHING AQUATIC INC	2217 WESTCHESTER RD	LAWRENCE	KS	66049
API INC	2366 ROSE PL	ST PAUL	MN	55113
APPLICATION CONTRACTORS SERVICES IN	14409 W EDISON DR #13A	NEW LENOX	IL	60451
APPLIKON INC	1165 CHESS DR STE G	FOSTER CITY	CA	94404
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLAS INDUSTRIAL HOLDINGS LLC	5275 SINCLAIR RD	COLUMBUS	OH	43229
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUREUS RADIOLOGY LLC	11825 Q ST	OMAHA	NE	68137
AUTOMATIC FIRE SPRINKLER LLC	3315 N 124TH ST STE B	BROOKFIELD	WI	53005
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B DRYWALL CO INC	10567 WIDMER	LENEXA	KS	66215
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B & D SERVICES	4018 NEW YORK RD	NASHVILLE	IL	62262
B C U ELECTRIC INC	1019 US 250 N	ASHLAND	OH	44805
BAKER CONCRETE CONSTRUCTION INC	900 N GARVER RD	MONROE	OH	45050
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BANKERS EDGE	1288 VALLEY FORGE STE 50	VALLEY FORGE	PA	19482
BARNESCO INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	02360
BARTLOW BROTHERS INC	S LIBERTY STREET RD	RUSHVILLE	IL	62681
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL	IA	51401
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLACKSHIRE CONSTRUCTION INC	ROUTE 14 BOX 942	ELIZABETH	WV	26143
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BONNEVILLE CONSTRUCTION CO INC	5005 E CAREY AVE	LAS VEGAS	NV	89115
BOYD ELECTRIC INC	3315 N 70TH ST	KANSAS CITY	KS	66109
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWN FARM TILE AND DRAINAGE	2488 TULIP AVE	LENOX	IA	50851
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUCE TRUCKING AND EXCAVATING INC	4401 HWY 162	GRANITE CITY	IL	62040
BUCKLEY ROOFING CO INC	3601 N HYDRAULIC	WICHITA	KS	67219
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CABLE CONSTRUCTORS INC	105 KENT ST	IRON MOUNTAIN	MI	49801
CALLS METAL BLDG ERECTORS INC	8128 12TH ST	SOMERS	WI	53171
CAPE ENVIRONMENTAL MANAGEMENT INC	2302 PARKLAKE DR STE 200	ATLANTA	GA	30345
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CDK CONTRACTING COMPANY	800 S HUTTON RD	FARMINGTON	NM	87401
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CELLXION WIRELESS SERVICES LLC	5031 HAZEL JONES RD	BOSSIER CITY	LA	71111
CENTRAL CEILING SYSTEMS INC	105 INDUSTRIAL PARK	DEERFIELD	WI	53531
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY MECHANICAL CONTRACTORS INC	15480 S 169 HWY	OLATHE	KS	66051
CHALLENGE CONSTRUCTION	PO BOX 1509	MANVEL	TX	77578
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CLARK CORPORATION THE	141 CATHERINE ST	EAST PEORIA	IL	61611
CLEVENGER CONTRACTORS INC	NAPLES LANE RR1 PO BOX 19	BLUFFS	IL	62621
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMERCIAL CONTRACTORS INC	729 LINCOLN AVE	HOLLAND	MI	49423
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
COMPLETE SUBGRADE LLC	8845 FRUIT RD	EDWARDSVILLE	IL	62025
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTION MANAGEMENT SERVICES IN	216 LOUISIANA ST	LITTLE ROCK	AR	72201
CONSTRUCTION MARKET DATA GROUP INC	275 WASHINGTON ST	NEWTON	MA	02458

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONSTRUCTORS INC	P O BOX 46417	BATON ROUGE	LA	70895
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CROSSLAND HEAVY CONTRACTORS INC	S HWY 69	COLUMBUS	KS	66275
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUST O FAB TANK SERVICES LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
CUTCO INC	RR 1 BOX 121	WYOMING	IL	61491
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVCO CORPORATION OF TENNESSEE	5384 POPLAR AVE STE 501	MEMPHIS	TN	38119
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 62410	PHOENIX	AZ	85082
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND ELECTRIC SERVICE INC	21325 W 105TH ST	OLATHE	KS	66061
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOVE CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOSTER CONSTRUCTION CO INC	2619 COMMERCE BLVD	BHAM	AL	35210

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DUAL TEMP ILLINOIS INC	3801 S SANGAMON ST	CHICAGO	IL	60609
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
EASYBAR BEVERAGE CONTROLS	19799 SW 95TH PLACE STE A	TUALATIN	OR	97062
EATHERLY CONSTRUCTORS INC	2204 W MARY ST	GARDEN CITY	KS	67846
ECHO CONSTRUCTION INC	14012 GILES RD	OMAHA	NE	68138
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELCON CONSTRUCTION LLC	12221 DIXIE	REDFORD	MI	48239
ELECTRICAL CONTROLS & SYSTEMS INC	P O BOX 100816	BIRMINGHAM	AL	35210
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
EMPLOYEE RESOURCE ADMINISTRATION LP	10501 N CENTRAL EXPY #101	DALLAS	TX	75231
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	101 PLAZA E BLVD 320	EVANSVILLE	IN	47715
ENTERPRISE STAFF SOLUTIONS INC	2926 RIDGEWAY RD	MEMPHIS	TN	38115
ENTRUP DRYWALL & PAINTING INC	1222 1/2 VERMONT	QUINCY	IL	62305
ENVIRONMENTAL SYSTEMS DESIGN INC	175 W JACKSON BLVD 1400	CHICAGO	IL	60604
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ER HOKE CONSTRUCTION CO INC	5 MILES W RTE 36	TUSCOLA	IL	61953
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FIBREBOND RESOURCES INC	1300 DAVENPORT DR	MINDEN	LA	71055
FISHEL COMPANY THE	1810 ARLINGATE LN	COLUMBUS	OH	43228
FJW GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FLOOR CRETE ENTERPRISES INC	6223 GESSNER DR	HOUSTON	TX	77041
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FREESSEN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEOPIER FOUNDATION CO MIDWEST	6336 HICKMAN STE 203	DES MOINES	IA	50322
GFV CONSTRUCTION CO	733 CARPENTERS WAY #32	LAKELAND	FL	33809
GIBRALTAR CONSTRUCTION CO INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GINGHER PROCESS PIPING INC	3011 N MAIN ST	EAST PEORIA	IL	61611
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GLOBAL COMPUTER ASSOCIATES INC	3 GARRET MOUNTAIN PLAZA	WEST PATERSON	NJ	07424
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GOLEY INC	P O BOX 309	DUPO	IL	62239
GORDONS ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001
GRAHAM CONSTRUCTION COMPANY	500 LOCUST ST	DES MOINES	IA	50309
GRAPHIC ENTERPRISES & DESIGN INC	1505 E WEBER DR STE 119	TEMPE	AZ	85281
GRAYLING INCORPORATED	10258 SANTA FE DR	OVERLAND PARK	KS	66212
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
GREAT SOUTHWESTERN CONSTRUCTION INC	6880 SO I 25	CASTLE ROCK	CO	80104
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H & L ELECTRIC INC	809 LEVEE DR STE G	MANHATTAN	KS	66502
H & M CONSTRUCTION CO INC	431 LIBERTY ST	MILAN	TN	38358
H&H DRYWALL SPECIALTIES INC	3727 E 31ST STR	TULSA	OK	74135
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARNES ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HEALTHLINE INC	8687 VIADEVENTURE STE200	SCOTTSDALE	AZ	85258
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HINRICHS GROUP INC THE	141 MARKET PL DR STE 105	FAIRVIEW HEIGHTS	IL	62208
HOFFMANN INC	6001 49TH ST S	MUSCATINE	IA	52761
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMYL & ENCPSTLN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HOOPER CORPORATION	P O BOX 7455	MADISON	WI	53707
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	PO BOX 1565	ABERDEEN	SD	57402
HUEGERICH CONSTRUCTION INC	512 N COURT	CARROLL	IA	51401
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INSTALLED PRODUCTS USA LLC	207 KELSEY LANE SUITE G	TAMPA	FL	33619
INSTITUTE OF NUCLEAR POWER OPERATIONS	700 GALLERIA PKWY	ATLANTA	GA	30339
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES ELEC & ENGINEERING	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRONDALE INDUSTRIAL CONTRACTORS	BOX 100099	BIRMINGHAM	AL	35210
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J W BUCK CONSTRUCTION CO INC	4103 FRANDFORD AVE	LUBBOCK	TX	79407
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JOEL FRITZEL BUILDERS INC	3320 CLINTON PARKWAY CT	LAWRENCE	KS	66047
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JONESBORO EQUIPMENT & SERVICE CO	3441 KNIGHT ARNOLD	MEMPHIS	TN	38118
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
JULIUS KAAZ CONSTRUCTION COMPANY IN	716 CHEROKEE	LEAVENWORTH	KS	66048
K & M ELECTRICAL CONTRACTORS INC	940 COMMERCIAL SUITE B	ATCHISON	KS	66002
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609

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KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KAYTON ELECTRIC INC	PO BOX 27	HOLDREGE	NE	68949
KDS CONSTRUCTION	9318 GULFSTREAM RD UNIT C	FRANKFORT	IL	60423
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KENJURA TILE INC	BOX 158	BRENHAM	TX	77834
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KING LAR COMPANY	2020 E OLIVE STREET	DECATUR	IL	62525
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
L E BELL CONSTRUCTION COMPANY INC	1226 COUNTY ROAD 11	HEFLIN	AL	36264
LABFORCE SERVICES OF AMERICA INC	415 CROSSWAYS PARK DR	WOODBURY	NY	11797
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LEVCO CDS INC	4277 HWY 162	GRANITE CITY	IL	62040
LG SERVICES LLC	1500 INTERNATIONAL DR	SPARTANBURG	SC	29302
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LICAUSI CONSTRUCTION COMPANY	8301 W 125TH ST	OVERLAND PARK	KS	66213
LIFE SAFETY INC	12428 VETERANS MEM PKWY	LAFAYETTE	AL	36862
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT DR	BLACK RIVER FAL	WI	54615
LVI ENVIRONMENTAL SERVICES	225 FENCL LANE	HILLSIDE	IL	60162
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101

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MARATHON BUILDERS INC	4144 N CENTRAL #660	DALLAS	TX	75204
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MASCO CONTRACTOR SERVICE CENTRAL INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
MASTER ELECTRIC INC	3225 AIRBASE RD	MOUNTAIN HOME	ID	83647
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
METRIC VISION	8500 CINDER BED RD STE 150	NEWINGTON	VA	22122
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID AMERICA SERVICES INC	3981 STATE RT 3 NORTH	CHESTER	IL	62233
MID CO CONTRACTORS INC	P O BOX 391	FORT SCOTT	KS	66701
MID CONTINENTAL RESTORATION CO INC	PO BOX 429	FORT SCOTT	KS	66701
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDLAND WRECKING INC	15 HENNING	LENEXA	KS	66215
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MIKE NELSON CONCRETE PAVING CO	6430 115TH AVE	BURLINGTON	IA	52601
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST S-2606	NASHVILLE	TN	37203
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSION TO THE AMERICAS	2530 WASHINGTON ST	DENVER	CO	80205
MISSOURI VALLEY INC	4614 MCCARTY BLVD	AMARILLO	TX	79110
MJM SERVICES INC	207 N 48TH ST	BELLEVILLE	IL	62223
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOUNTAIN MECHANICAL CONTRACTORS INC	903 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MPH HOTELS INC	1801 MARTIN SPIRNGS DR	ROLLA	MO	65401
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIMAX INC	1441 MCCORMICK DR	LARGO	MD	20774
MUNICIPAL PIPE TOOL COMPANY INC	515 5TH ST	HUDSON	IA	50643
MUNIE COMPANY	1000 MILBOURN SCHOOL ROAD	CASEYVILLE	IL	62232
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MUSTANG LINE CONTRACTORS INC	9105 N DIVISION ST STE A	SPOKANE	WA	99218
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082

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NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	01880
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NATIONAL STEEL ERECTORS	PO BOX 709	MUSKOGEE	OK	74402
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NEWTRON INC	8183 W EL CAJON DR	BATON ROUGE	LA	70815
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NILES INDUSTRIAL LLC	G3080 N CENTER RD	FLINT	MI	48506
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810
NORMENT SECURITY GROUP INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
O & M SERVICES INC	207 E MAIN ST	FAIRFIELD	IL	62837
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
ONEAL ELECTRIC SERVICE INC	3073 MERRIAM LN	KANSAS CITY	KS	66106
OSTROM PAINTING & SANDBLASTING INC	1110-8TH AVE	ROCK ISLAND	IL	61201
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PAIGE TECHNOLOGIES LLC	5305 PIN OAK LAND	SEDALIA	MO	65301
PARADISE FIBERGLASS POOLS INC	3115 N ILL AVE	SWANSEA	IL	62226
PBM CONCRETE INC	311 LOWELL AVE	ELK RIVER	MN	55330
PERMANENT PAVING INC	8900 INDIAN CREEK PKWY	OVERLAND PARK	KS	66210
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50595
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PIZZAGALLI CONSTRUCTION COMPANY	50 JOY DR	S BURLINGTON	VT	05407
PLASTOCOR INC	25 INDUSTRIAL PARK RD	HINGHAM	MA	02043
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
PNEUMATIC SYSTEMS INSTALLATION INC	10012 DARNELL	LENEXA	KS	66215
POLE MAINTENANCE CO LLC	4307 23RD ST	COLUMBUS	NE	68601
POWER OHMES CONSTRUCTION INC	33445 W 87TH CIRCLE	DE SOTO	KS	66018
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053

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PRECISION ELECTRICAL CONTRACTORS INC	1977 LINCOLN WAY	WHITE OAK	PA	15131
PRIMARY RESIDENTAL MORTGAGE INC	829 E CAVENDISH CIRCLE	SANDY	UT	84094
PRO QUIP CORPORATION	8522 E 61ST ST	TULSA	OK	74133
PROFORMANCE ELECTRIC INC	11201 W 59TH TER	SHAWNEE	KS	66203
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PSF MECHANICAL INC	9322 14TH AVE SOUTH	SEATTLE	WA	98108
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66206
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
R N HARRIS CONSTRUCTION CO	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E US HIGHWAY 80	ABILENE	TX	79601
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
RECOR SERVICES INC	4122 NE 185TH AVE	PORTLAND	OR	97230
REDDINGER CONSTRUCTORS INC	6301 OLD BOONVILLE HWY	EVANSVILLE	IN	47715
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
REVENUE SOLUTIONS INC	752 WASHINGTON ST	PEMBROKE	MA	02359
RFB CONSTRUCTION CO INC	3222 NW 160 HWY	CHEROKEE	KS	66724
RICHARD GOETTLE INC	12071 HAMILTON AVE	CINCINNATI	OH	45231
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	PO BOX 16141	SHAWNEE	KS	66203
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROBERTSON PAINTING INC	3116 S ARROWHEAD CT	INDEPENDENCE	MO	64057
ROD BUSTERS INC	624 S MISSOURI ST STE 100	INDIANAPOLIS	IN	46225
ROGERS PREMIER UNLOADING SERVICES	3801 SUNSET AVE	ROCKY MOUNT	NC	27804
ROLLING PLAINS CONSTRUCTION INC	12153 MOLINE STR	HENDERSON	CO	80640
ROOF MAINTENANCE SERVICES INC	#8 COMMODORE DRIVE	BELLEVILLE	IL	62223
ROSE LAN CONTRACTORS INC	952 OSAGE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851

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S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SARGENT ELECTRIC CO	28TH ST & LIBERTY AVE	PITTSBURGH	PA	15222
SAULSBURY ELECTRIC CO INC	5308 ANDREWS HWY	ODESSA	TX	79762
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SEAWARD CONSTRUCTION COMPANY INC	RT 236	KITTERY	ME	03904
SELECTEK INC	1000 MANSELL EXCHANGE W	ALPHARETTA	GA	30022
SENECA ELECTRIC	4140 NE 14TH STREET	DES MOINES	IA	50313
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SEVERN COMPANIES INC OF MARYLAND	6201 CHEVY CHASE DR	LAUREL	MD	20707
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHAY ROOFING INC	1999 S 59TH ST	BELLEVILLE	IL	62223
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SIERRA BRAVO INC	7038 STATE HWY 154	SESSER	IL	62884
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPECIALTY CONSTRUCTORS INC	2445 ALAMO STREET SE	ALBUQUERQUE	NM	87106
SPINIELLO COMPANIES	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPORTS METALS INC	P O BOX 1338	PHENIX CITY	AL	36868
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STRATEGIC INFORMATION SOLUTIONS	20 N CLARK ST STE 1650	CHICAGO	IL	60602
STRAUB CONSTRUCTION CO INC	10575 WIDMER	LENEXA	KS	66215
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKELE ELECTRIC INC	1375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
TAFT CONTRACTING CO INC	5525 W ROOSEVELT	CICERO	IL	60804
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TEAM INOVIS INC	110 E WILSON BRIDGE RD	WORTHINGTON	OH	43085

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TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LN	DALLAS	TX	75220
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THIRD GENERATION ELECTRICAL INC	10806 S HOUSTON AVE	JENKS	OK	74037
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TIDY BUILDING SERVICE OF MIDWEST	13818 PEMBROKE	LEAWOOD	KS	66224
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TMS DESIGN SERVICES INC	7905 L STREET STE 110	OMAHA	NE	68127
TOAN INC	5320 SPEAKER ROAD	KANSAS CITY	KS	66106
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE BUILDING SUPPLY CO INC	N HWY 69	PITTSBURG	KS	66762
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TRILLION ENTERPRISES INC	9346 W COAL MINE AVE	LITTLETON	CO	80123
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA DYNASpan INC	1601 E HOUSTON ST	BROKEN ARROW	OK	74012
TWEEDY CONTRACTORS INC	CORNER OF PYBURN & HOELSC	POCAHONTAS	AR	72455
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE	UNION CITY	TN	38261
VERSENT GROUP LLC	13608 W 95TH ST	LENEXA	KS	66215
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VOLTEK INC	8807 W 89TH ST	OVERLAND PARK	KS	66212
VON ALST INC	2416 SMELTING WORKS RD	SWANSEA	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 2	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTER CONSTRUCTION USA INC	441 SW 41ST ST	RENTON	WA	98055
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309
WELLS & WEST INC	VALLEY VILLAGE SHOPPING C	MURPHY	NC	28906
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTERN INDUSTRIAL CONTRACTORS INC	5301 JOLIET ST	DENVER	CO	80239
WESTERN SUMMIT CONSTRUCTORS INC	5470 VALLEY HWY	DENVER	CO	80216
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WOODS CONSTRUCTION INC	6396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WOODWORKERS OF DENVER INC	1475 S ACOMA ST	DENVER	CO	80223
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

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Contractor Debarment List

Name of Contractor	Name of Officer and Title	Address	Date of Conviction	Debarment Period
Bruner Contracting Company	Cynthia Bruner	218 Delaware, Ste. 211 Kansas City, MO 64105	9/9/03	9/9/03-9/9/04
Cynthia Bruner	N/A	218 Delaware, Ste. 211 Kansas City, MO 64105	9/9/03	9/9/03-9/9/04

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003) and 29 (2004). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557		
1 CSR 10-18.010	Commissioner of Administration	28 MoReg 1615	28 MoReg 1482	29 MoReg 92	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel		28 MoReg 1560	29 MoReg 94	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		28 MoReg 1560	29 MoReg 94	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		28 MoReg 1561	29 MoReg 94	
1 CSR 35-1.050	Division of Facilities Management	28 MoReg 1983	28 MoReg 1990	This Issue	
1 CSR 35-2.030	Division of Facilities Management	28 MoReg 1984	28 MoReg 1993	This Issue	
DEPARTMENT OF AGRICULTURE					
2 CSR 10-2.010	Market Development		28 MoReg 2087		
2 CSR 30-2.040	Animal Health		28 MoReg 711		
2 CSR 70-13.030	Plant Industries	28 MoReg 1553	28 MoReg 1561	29 MoReg 333	
2 CSR 90-11.010	Weights and Measures	28 MoReg 2207	28 MoReg 2211		
2 CSR 90-30.050	Weights and Measures		28 MoReg 2211		
2 CSR 100-6.010	Missouri Agriculture and Small Business Development Authority		28 MoReg 1762	29 MoReg 333	
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.110	Conservation Commission		28 MoReg 1995	29 MoReg 212	
3 CSR 10-5.205	Conservation Commission		28 MoReg 1995	29 MoReg 212	
3 CSR 10-5.215	Conservation Commission		28 MoReg 1995	29 MoReg 212	
3 CSR 10-5.310	Conservation Commission		28 MoReg 1996	29 MoReg 212	
3 CSR 10-5.320	Conservation Commission		28 MoReg 1996	29 MoReg 213	
3 CSR 10-5.330	Conservation Commission		28 MoReg 1996	29 MoReg 213	
3 CSR 10-5.340	Conservation Commission		28 MoReg 1997	29 MoReg 213	
3 CSR 10-5.345	Conservation Commission		28 MoReg 1999	29 MoReg 213	
3 CSR 10-5.365	Conservation Commission		28 MoReg 2001	29 MoReg 213	
3 CSR 10-5.375	Conservation Commission		28 MoReg 2003	29 MoReg 213	
3 CSR 10-5.420	Conservation Commission		28 MoReg 2005	29 MoReg 213	
3 CSR 10-5.440	Conservation Commission		28 MoReg 2007	29 MoReg 214	
3 CSR 10-5.445	Conservation Commission		28 MoReg 2009	29 MoReg 214	
3 CSR 10-5.470	Conservation Commission		28 MoReg 2011R	29 MoReg 214R	
3 CSR 10-5.570	Conservation Commission		28 MoReg 2011	29 MoReg 214	
3 CSR 10-6.415	Conservation Commission		28 MoReg 2011	29 MoReg 214	
3 CSR 10-6.505	Conservation Commission		28 MoReg 2011	29 MoReg 214	
3 CSR 10-6.510	Conservation Commission		28 MoReg 2012	29 MoReg 215	
3 CSR 10-6.525	Conservation Commission		28 MoReg 2012	29 MoReg 215	
3 CSR 10-6.530	Conservation Commission		28 MoReg 2013	29 MoReg 215	
3 CSR 10-6.533	Conservation Commission		29 MoReg 161		
3 CSR 10-6.550	Conservation Commission		29 MoReg 161		
3 CSR 10-7.405	Conservation Commission		28 MoReg 2013	29 MoReg 215	
3 CSR 10-7.410	Conservation Commission		28 MoReg 2013	29 MoReg 215	
3 CSR 10-7.425	Conservation Commission		28 MoReg 2014	29 MoReg 215	
3 CSR 10-7.450	Conservation Commission		28 MoReg 2014	29 MoReg 216	
3 CSR 10-7.455	Conservation Commission		28 MoReg 2089	29 MoReg 333	29 MoReg 226
3 CSR 10-8.505	Conservation Commission		28 MoReg 2089	29 MoReg 333	
3 CSR 10-8.510	Conservation Commission		28 MoReg 2015	29 MoReg 216	
3 CSR 10-8.515	Conservation Commission		28 MoReg 2015	29 MoReg 216	
3 CSR 10-9.110	Conservation Commission		28 MoReg 2017	29 MoReg 216	
3 CSR 10-9.220	Conservation Commission		28 MoReg 2212	This Issue	
3 CSR 10-9.353	Conservation Commission		29 MoReg 162		
3 CSR 10-9.565	Conservation Commission		28 MoReg 2018	29 MoReg 216	
3 CSR 10-9.575	Conservation Commission		28 MoReg 2019	29 MoReg 216	
3 CSR 10-9.625	Conservation Commission		28 MoReg 2019	29 MoReg 217	
3 CSR 10-9.628	Conservation Commission		28 MoReg 2020	29 MoReg 217	
3 CSR 10-10.720	Conservation Commission		28 MoReg 2020	29 MoReg 217	
3 CSR 10-10.722	Conservation Commission		29 MoReg 162		
3 CSR 10-10.725	Conservation Commission		29 MoReg 164		
3 CSR 10-10.767	Conservation Commission		28 MoReg 2020	29 MoReg 217	
3 CSR 10-10.768	Conservation Commission		28 MoReg 2021	29 MoReg 217	
3 CSR 10-11.180	Conservation Commission		28 MoReg 2021	29 MoReg 218	
3 CSR 10-11.205	Conservation Commission		28 MoReg 2021	29 MoReg 218	
3 CSR 10-11.210	Conservation Commission		28 MoReg 2022	29 MoReg 218	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-11.215	Conservation Commission		28 MoReg 2022	29 MoReg 218	
3 CSR 10-12.110	Conservation Commission		28 MoReg 2023	29 MoReg 218	
3 CSR 10-12.115	Conservation Commission		28 MoReg 2023	29 MoReg 218	
3 CSR 10-12.125	Conservation Commission		28 MoReg 2023	29 MoReg 219	
3 CSR 10-12.135	Conservation Commission		28 MoReg 2024	29 MoReg 219	
3 CSR 10-12.140	Conservation Commission		28 MoReg 2024	29 MoReg 219	
3 CSR 10-12.145	Conservation Commission		28 MoReg 2025	29 MoReg 219	
3 CSR 10-20.805	Conservation Commission		28 MoReg 2025	29 MoReg 219	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-1.010	Missouri State Board of Accountancy		28 MoReg 2089		
4 CSR 10-1.030	Missouri State Board of Accountancy		28 MoReg 2090		
4 CSR 10-1.040	Missouri State Board of Accountancy		28 MoReg 2091R		
4 CSR 10-2.005	Missouri State Board of Accountancy		28 MoReg 2091R		
			28 MoReg 2091		
4 CSR 10-2.010	Missouri State Board of Accountancy		28 MoReg 2092R		
4 CSR 10-2.021	Missouri State Board of Accountancy		28 MoReg 2093R		
4 CSR 10-2.030	Missouri State Board of Accountancy		28 MoReg 2093R		
4 CSR 10-2.041	Missouri State Board of Accountancy		28 MoReg 2093		
4 CSR 10-2.042	Missouri State Board of Accountancy		28 MoReg 2094R		
4 CSR 10-2.051	Missouri State Board of Accountancy		28 MoReg 2094		
4 CSR 10-2.061	Missouri State Board of Accountancy		28 MoReg 2099		
4 CSR 10-2.062	Missouri State Board of Accountancy		28 MoReg 2100R		
4 CSR 10-2.070	Missouri State Board of Accountancy		28 MoReg 2101		
4 CSR 10-2.072	Missouri State Board of Accountancy		28 MoReg 2102		
4 CSR 10-2.075	Missouri State Board of Accountancy		28 MoReg 2105		
4 CSR 10-2.095	Missouri State Board of Accountancy		28 MoReg 2108		
4 CSR 10-2.101	Missouri State Board of Accountancy		28 MoReg 2109		
4 CSR 10-2.111	Missouri State Board of Accountancy		28 MoReg 2110R		
4 CSR 10-2.112	Missouri State Board of Accountancy		28 MoReg 2110R		
4 CSR 10-2.115	Missouri State Board of Accountancy		28 MoReg 2110R		
4 CSR 10-2.120	Missouri State Board of Accountancy		28 MoReg 2111R		
4 CSR 10-2.130	Missouri State Board of Accountancy		28 MoReg 2111		
4 CSR 10-2.135	Missouri State Board of Accountancy		28 MoReg 2112		
4 CSR 10-2.140	Missouri State Board of Accountancy		28 MoReg 2112		
4 CSR 10-2.150	Missouri State Board of Accountancy		28 MoReg 2115		
4 CSR 10-2.160	Missouri State Board of Accountancy		28 MoReg 2115		
4 CSR 10-2.180	Missouri State Board of Accountancy		28 MoReg 2116R		
4 CSR 10-2.190	Missouri State Board of Accountancy		28 MoReg 2116R		
4 CSR 10-2.200	Missouri State Board of Accountancy		28 MoReg 2116		
4 CSR 10-2.210	Missouri State Board of Accountancy		28 MoReg 2117R		
4 CSR 10-2.215	Missouri State Board of Accountancy		28 MoReg 2117R		
4 CSR 10-3.010	Missouri State Board of Accountancy		28 MoReg 2117		
4 CSR 10-3.020	Missouri State Board of Accountancy		28 MoReg 2118R		
4 CSR 10-3.030	Missouri State Board of Accountancy		28 MoReg 2118R		
4 CSR 10-3.040	Missouri State Board of Accountancy		28 MoReg 2119R		
4 CSR 10-3.060	Missouri State Board of Accountancy		28 MoReg 2119		
4 CSR 10-4.010	Missouri State Board of Accountancy		28 MoReg 2120R		
			28 MoReg 2120		
4 CSR 10-4.020	Missouri State Board of Accountancy		28 MoReg 2124R		
			28 MoReg 2124		
4 CSR 10-4.030	Missouri State Board of Accountancy		28 MoReg 2124R		
4 CSR 10-4.031	Missouri State Board of Accountancy		28 MoReg 2124		
4 CSR 10-4.040	Missouri State Board of Accountancy		28 MoReg 2125R		
4 CSR 10-4.041	Missouri State Board of Accountancy		28 MoReg 2125		
4 CSR 10-4.050	Missouri State Board of Accountancy		28 MoReg 2125R		
4 CSR 10-5.070	Missouri State Board of Accountancy		28 MoReg 2126		
4 CSR 10-5.080	Missouri State Board of Accountancy		28 MoReg 2126		
4 CSR 10-5.090	Missouri State Board of Accountancy		28 MoReg 2130		
4 CSR 10-5.100	Missouri State Board of Accountancy		28 MoReg 2130		
4 CSR 10-5.110	Missouri State Board of Accountancy		28 MoReg 2131		
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1483R	29 MoReg 94R	
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1483R	29 MoReg 94R	
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484R	29 MoReg 95R	
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484R	29 MoReg 95R	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-3.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484	29 MoReg 95	
4 CSR 30-4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1762R 28 MoReg 1763	29 MoReg 219R 29 MoReg 220	
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1765	29 MoReg 220	
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1767	29 MoReg 220	
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1767	29 MoReg 220	
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1769	29 MoReg 220	
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1769	29 MoReg 221	
4 CSR 70-4.010	State Board of Chiropractic Examiners		29 MoReg 88		
4 CSR 70-4.030	State Board of Chiropractic Examiners		29 MoReg 88		
4 CSR 90-3.010	State Board of Cosmetology		28 MoReg 2133		
4 CSR 90-5.010	State Board of Cosmetology		28 MoReg 2133		
4 CSR 90-7.010	State Board of Cosmetology		28 MoReg 2133		
4 CSR 90-8.010	State Board of Cosmetology		28 MoReg 2134		
4 CSR 90-10.010	State Board of Cosmetology		28 MoReg 2134		
4 CSR 90-11.010	State Board of Cosmetology		28 MoReg 2134		
4 CSR 90-12.020	State Board of Cosmetology		28 MoReg 2137		
4 CSR 90-12.070	State Board of Cosmetology		28 MoReg 2137		
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 2137		
4 CSR 100	Division of Credit Unions				28 MoReg 1956 28 MoReg 2057 29 MoReg 55 29 MoReg 119 29 MoReg 338
4 CSR 110-2.130	Missouri Dental Board		29 MoReg 89		
4 CSR 120-1.010	State Board of Embalmers and Funeral Directors		29 MoReg 165		
4 CSR 120-1.020	State Board of Embalmers and Funeral Directors		29 MoReg 165		
4 CSR 120-1.040	State Board of Embalmers and Funeral Directors		29 MoReg 166		
4 CSR 120-2.010	State Board of Embalmers and Funeral Directors		29 MoReg 167R 29 MoReg 167		
4 CSR 120-2.020	State Board of Embalmers and Funeral Directors		29 MoReg 174		
4 CSR 120-2.022	State Board of Embalmers and Funeral Directors		29 MoReg 174		
4 CSR 120-2.030	State Board of Embalmers and Funeral Directors		29 MoReg 175		
4 CSR 120-2.040	State Board of Embalmers and Funeral Directors		29 MoReg 175R 29 MoReg 175		
4 CSR 120-2.050	State Board of Embalmers and Funeral Directors		29 MoReg 180		
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		29 MoReg 180R 29 MoReg 180		
4 CSR 120-2.070	State Board of Embalmers and Funeral Directors		29 MoReg 186R 29 MoReg 186		
4 CSR 120-2.071	State Board of Embalmers and Funeral Directors		29 MoReg 192		
4 CSR 120-2.080	State Board of Embalmers and Funeral Directors		29 MoReg 193		
4 CSR 120-2.090	State Board of Embalmers and Funeral Directors		29 MoReg 194		
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		29 MoReg 195		
4 CSR 120-2.110	State Board of Embalmers and Funeral Directors		29 MoReg 196		
4 CSR 120-2.115	State Board of Embalmers and Funeral Directors		29 MoReg 196		
4 CSR 140-1.140	Division of Finance				29 MoReg 55
4 CSR 197-1.030	Board of Therapeutic Massage		29 MoReg 23		
4 CSR 197-1.040	Board of Therapeutic Massage		29 MoReg 23		
4 CSR 197-2.010	Board of Therapeutic Massage		29 MoReg 26		
4 CSR 197-2.030	Board of Therapeutic Massage		29 MoReg 32		
4 CSR 197-2.050	Board of Therapeutic Massage		29 MoReg 34		
4 CSR 197-3.010	Board of Therapeutic Massage		29 MoReg 36		
4 CSR 197-5.010	Board of Therapeutic Massage		29 MoReg 36		
4 CSR 197-5.020	Board of Therapeutic Massage		29 MoReg 36		
4 CSR 197-5.030	Board of Therapeutic Massage		29 MoReg 39		
4 CSR 197-5.040	Board of Therapeutic Massage		29 MoReg 41		
4 CSR 205-3.030	Missouri Board of Occupational Therapy		29 MoReg 89		
4 CSR 220-2.300	State Board of Pharmacy		29 MoReg 89		
4 CSR 232-3.010	Missouri State Committee of Interpreters		28 MoReg 1769	29 MoReg 221	
4 CSR 240-3.155	Public Service Commission		28 MoReg 1507	29 MoReg 221	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.165	Public Service Commission		28 MoReg 2214	This Issue	
4 CSR 240-3.190	Public Service Commission		28 MoReg 2028	This Issue	
4 CSR 240-3.245	Public Service Commission		28 MoReg 2215	This Issue	
4 CSR 240-3.265	Public Service Commission		28 MoReg 1901		
4 CSR 240-3.335	Public Service Commission		28 MoReg 2216	This Issue	
4 CSR 240-3.435	Public Service Commission		28 MoReg 2217	This Issue	
4 CSR 240-3.440	Public Service Commission		28 MoReg 1906	This Issue	
4 CSR 240-3.500	Public Service Commission		28 MoReg 2139		
4 CSR 240-3.540	Public Service Commission		28 MoReg 2219	This Issue	
4 CSR 240-3.545	Public Service Commission		This IssueR		
			This Issue		
4 CSR 240-3.550	Public Service Commission		28 MoReg 2140		
4 CSR 240-3.555	Public Service Commission		This Issue		
4 CSR 240-3.640	Public Service Commission		28 MoReg 2220	This Issue	
4 CSR 240-3.650	Public Service Commission		28 MoReg 1907		
4 CSR 240-13.015	Public Service Commission		28 MoReg 2140	This IssueW	
4 CSR 240-13.035	Public Service Commission		28 MoReg 2141		
4 CSR 240-18.010	Public Service Commission		28 MoReg 2030	This Issue	
4 CSR 240-32.020	Public Service Commission		28 MoReg 2145		
4 CSR 240-32.060	Public Service Commission		28 MoReg 2147		
4 CSR 240-32.070	Public Service Commission		28 MoReg 2148		
4 CSR 240-32.080	Public Service Commission		28 MoReg 2149		
4 CSR 240-32.180	Public Service Commission	28 MoReg 1891	28 MoReg 2221	29 MoReg 334	29 MoReg 119
4 CSR 240-32.190	Public Service Commission	28 MoReg 1891	28 MoReg 2222	29 MoReg 334	29 MoReg 119
4 CSR 240-33.010	Public Service Commission		This Issue		
4 CSR 240-33.020	Public Service Commission		This Issue		
4 CSR 240-33.030	Public Service Commission		This IssueR		
4CSR 240-33.040	Public Service Commission		This Issue		
4 CSR 240-33.060	Public Service Commission		This Issue		
4 CSR 240-33.070	Public Service Commission		This Issue		
4 CSR 240-33.080	Public Service Commission		This Issue		
4 CSR 240-33.150	Public Service Commission		This Issue		
4 CSR 240-36.010	Public Service Commission		29 MoReg 197		
4 CSR 240-36.020	Public Service Commission		29 MoReg 197		
4 CSR 240-36.030	Public Service Commission		29 MoReg 198		
4 CSR 240-36.040	Public Service Commission		29 MoReg 199		
4 CSR 240-36.050	Public Service Commission		29 MoReg 202		
4 CSR 240-36.060	Public Service Commission		29 MoReg 203		
4 CSR 240-36.070	Public Service Commission		29 MoReg 203		
4 CSR 240-36.080	Public Service Commission		29 MoReg 204		
4 CSR 250-3.020	Missouri Real Estate Commission		28 MoReg 1770	29 MoReg 221	
4 CSR 250-8.090	Missouri Real Estate Commission		28 MoReg 2150		
4 CSR 250-8.096	Missouri Real Estate Commission		28 MoReg 2152		
4 CSR 250-8.097	Missouri Real Estate Commission		28 MoReg 2152		
4 CSR 250-8.160	Missouri Real Estate Commission		28 MoReg 1770	29 MoReg 221	
4 CSR 250-10.010	Missouri Real Estate Commission		28 MoReg 1770	29 MoReg 222	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 70-742.140	Special Education			29 MoReg 334	
5 CSR 70-742.141	Special Education			29 MoReg 336	
5 CSR 80-800.200	Teacher Quality and Urban Education		28 MoReg 1771		
5 CSR 80-800.220	Teacher Quality and Urban Education		28 MoReg 1774		
5 CSR 80-800.230	Teacher Quality and Urban Education		28 MoReg 1776		
5 CSR 80-800.260	Teacher Quality and Urban Education		28 MoReg 1779		
5 CSR 80-800.270	Teacher Quality and Urban Education		28 MoReg 1782		
5 CSR 80-800.280	Teacher Quality and Urban Education		28 MoReg 1784		
5 CSR 80-800.290	Teacher Quality and Urban Education		28 MoReg 1786		
5 CSR 80-800.300	Teacher Quality and Urban Education		28 MoReg 1786		
5 CSR 80-800.350	Teacher Quality and Urban Education		28 MoReg 1787		
5 CSR 80-800.360	Teacher Quality and Urban Education		28 MoReg 1790		
5 CSR 80-800.370	Teacher Quality and Urban Education		28 MoReg 1793		
5 CSR 80-800.380	Teacher Quality and Urban Education		28 MoReg 1796		
5 CSR 80-800.400	Teacher Quality and Urban Education		28 MoReg 1800		
5 CSR 90-7.010	Vocational Rehabilitation		28 MoReg 1800		
5 CSR 90-7.100	Vocational Rehabilitation		28 MoReg 1801		
5 CSR 90-7.200	Vocational Rehabilitation		28 MoReg 1801		
5 CSR 90-7.320	Vocational Rehabilitation		28 MoReg 1802		
5 CSR 100-200.010	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2222		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2223		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2223		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing	28 MoReg 1554	28 MoReg 1563	29 MoReg 96	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2224		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2224		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.075	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.100	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2225		
5 CSR 100-200.125	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2226		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2226		
5 CSR 100-200.140	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2227		
5 CSR 100-200.180	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2230		
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		28 MoReg 2231		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.020	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-17.010	Missouri Highways and Transportation Commission		28 MoReg 1563		
7 CSR 10-26.010	Missouri Highways and Transportation Commission		28 MoReg 2231		
7 CSR 10-26.020	Missouri Highways and Transportation Commission		28 MoReg 2237		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.085	Division of Employment Security		28 MoReg 1661	29 MoReg 96	
8 CSR 30-1.010	Division of Labor Standards		28 MoReg 2030		
8 CSR 30-4.010	Division of Labor Standards		28 MoReg 2031		
8 CSR 30-4.020	Division of Labor Standards		28 MoReg 2031		
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9 CSR 10-5.190	Director, Department of Mental Health		28 MoReg 2153		
9 CSR 10-5.210	Director, Department of Mental Health		28 MoReg 2155		
9 CSR 30-3.206	Certification Standards		28 MoReg 1508	29 MoReg 222	
9 CSR 30-3.208	Certification Standards		28 MoReg 1508	29 MoReg 222	
9 CSR 30-4.195	Certification Standards		29 MoReg 204		
9 CSR 45-5.105	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1805		
9 CSR 45-5.110	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1805		
9 CSR 45-5.130	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1809		
9 CSR 45-5.140	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1812		
9 CSR 45-5.150	Division of Mental Retardation and Developmental Disabilities		28 MoReg 1816		
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10 CSR 10-2.260	Air Conservation Commission		28 MoReg 1564	This Issue	
10 CSR 10-6.240	Air Conservation Commission		29 MoReg 303R		
10 CSR 10-6.241	Air Conservation Commission		29 MoReg 303		
10 CSR 10-6.250	Air Conservation Commission		29 MoReg 307		
10 CSR 10-6.260	Air Conservation Commission		28 MoReg 1911		
10 CSR 20-7.050	Clean Water Commission		28 MoReg 2240		
10 CSR 40-10.020	Land Reclamation Commission		29 MoReg 204		
10 CSR 40-10.050	Land Reclamation Commission		29 MoReg 205		
10 CSR 70-5.040	Soil and Water Districts Commission	28 MoReg 1369	28 MoReg 1916		
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2156		
10 CSR 100-3.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2157		
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2157		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		28 MoReg 2163		
10 CSR 140-2.020	Division of Energy				28 MoReg 1526 This Issue

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10 CSR 140-2.030	Division of Energy				28 MoReg 1526 This Issue
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11 CSR 10-5.010	Adjutant General	28 MoReg 1475	28 MoReg 1509	29 MoReg 50	
11 CSR 45-1.020	Missouri Gaming Commission		This Issue		
11 CSR 45-6.030	Missouri Gaming Commission		28 MoReg 2241		
11 CSR 45-10.030	Missouri Gaming Commission		This Issue		
11 CSR 45-13.010	Missouri Gaming Commission		28 MoReg 1377	29 MoReg 50	
11 CSR 45-13.020	Missouri Gaming Commission		28 MoReg 1377	29 MoReg 50	
11 CSR 45-13.030	Missouri Gaming Commission		28 MoReg 1377	29 MoReg 51	
11 CSR 45-13.045	Missouri Gaming Commission		28 MoReg 1378	29 MoReg 51	
11 CSR 45-13.050	Missouri Gaming Commission		28 MoReg 1378	29 MoReg 51	
11 CSR 45-13.051	Missouri Gaming Commission		28 MoReg 1379	29 MoReg 51	
11 CSR 45-13.060	Missouri Gaming Commission		28 MoReg 1379	29 MoReg 52	
11 CSR 45-13.070	Missouri Gaming Commission		28 MoReg 1380	29 MoReg 52	
11 CSR 45-13.080	Missouri Gaming Commission		28 MoReg 1381	29 MoReg 53	
11 CSR 50-2.010	Missouri State Highway Patrol		28 MoReg 1819	29 MoReg 222	
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11 CSR 50-2.050	Missouri State Highway Patrol		28 MoReg 1820	29 MoReg 223	
11 CSR 50-2.160	Missouri State Highway Patrol		28 MoReg 1820	29 MoReg 223	
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11 CSR 50-2.340	Missouri State Highway Patrol		28 MoReg 1823	29 MoReg 223	
11 CSR 50-2.400	Missouri State Highway Patrol		This Issue		
11 CSR 70-2.120	Division of Alcohol and Tobacco Control		29 MoReg 43		
11 CSR 70-2.140	Division of Alcohol and Tobacco Control		29 MoReg 43		
11 CSR 75-13.030	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-13.060	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-13.090	Peace Officer Standards and Training Program		28 MoReg 1823	29 MoReg 224	
11 CSR 75-14.030	Peace Officer Standards and Training Program		29 MoReg 310		
11 CSR 75-16.010	Peace Officer Standards and Training Program		29 MoReg 311		
11 CSR 80-5.010	Missouri State Water Patrol		28 MoReg 2243		
11 CSR 80-9.010	Missouri State Water Patrol		29 MoReg 44		
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12 CSR 10-2.055	Director of Revenue		28 MoReg 2246R		
12 CSR 10-2.060	Director of Revenue		28 MoReg 2246R		
12 CSR 10-2.235	Director of Revenue		28 MoReg 2246R		
12 CSR 10-7.180	Director of Revenue		28 MoReg 2246R		
12 CSR 10-7.210	Director of Revenue		28 MoReg 2246R		
12 CSR 10-7.220	Director of Revenue		28 MoReg 2247R		
12 CSR 10-7.290	Director of Revenue		28 MoReg 2247R		
12 CSR 10-7.310	Director of Revenue		28 MoReg 2247R		
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12 CSR 10-23.424	Director of Revenue		28 MoReg 2032	This Issue	
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12 CSR 10-24.090	Director of Revenue		28 MoReg 1661	29 MoReg 96	
12 CSR 10-24.200	Director of Revenue		28 MoReg 2033	This Issue	
12 CSR 10-24.430	Director of Revenue		28 MoReg 1664	29 MoReg 97	
12 CSR 10-24.450	Director of Revenue		28 MoReg 2034R	This IssueR	
12 CSR 10-26.120	Director of Revenue		28 MoReg 1664	29 MoReg 97	
12 CSR 10-41.010	Director of Revenue	28 MoReg 2207	29 MoReg 90		
12 CSR 10-110.900	Director of Revenue		28 MoReg 881	28 MoReg 1584W	
12 CSR 10-111.010	Director of Revenue		28 MoReg 886	28 MoReg 1584W	
12 CSR 30-4.010	State Tax Commission		29 MoReg 206		
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13 CSR 35-80.010	Children's Division	29 MoReg 261	29 MoReg 311		
13 CSR 35-80.020	Children's Division	29 MoReg 262	29 MoReg 314		
13 CSR 40-2.310	Division of Family Services	28 MoReg 1421	28 MoReg 1423		
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13 CSR 40-2.380	Division of Family Services	28 MoReg 1421	28 MoReg 1423		
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13 CSR 40-19.020	Family Support Division	28 MoReg 1892	28 MoReg 1916		
13 CSR 70-3.120	Division of Family Services		28 MoReg 2248		
13 CSR 70-4.070	Division of Medical Services		28 MoReg 1511	29 MoReg 53	
13 CSR 70-10.015	Division of Medical Services	28 MoReg 1894 28 MoReg 1985T	28 MoReg 1918		
13 CSR 70-10.080	Division of Medical Services	28 MoReg 1897 28 MoReg 1985T	28 MoReg 1924		
13 CSR 70-10.110	Division of Medical Services	28 MoReg 1898 28 MoReg 1985T	28 MoReg 1926		
13 CSR 70-15.010	Division of Medical Services		This Issue		
13 CSR 70-15.110	Division of Medical Services	28 MoReg 1755T 28 MoReg 1755	28 MoReg 1824	29 MoReg 114	
13 CSR 70-15.180	Division of Medical Services		28 MoReg 2249		
13 CSR 70-20.320	Division of Medical Services		28 MoReg 2163		

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13 CSR 70-91.010	Division of Medical Services		29 MoReg 317		
13 CSR 70-91.030	Division of Medical Services		29 MoReg 326		
13 CSR 70-95.010	Division of Medical Services		29 MoReg 326		
13 CSR 70-98.010	Division of Medical Services		28 MoReg 1111		
13 CSR 70-98.020	Division of Medical Services		29 MoReg 327		
13 CSR 70-98.015	Division of Medical Services		28 MoReg 2253		
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15 CSR 30-1.010	Secretary of State		28 MoReg 2034R		
			28 MoReg 2034		
15 CSR 30-8.020	Secretary of State		28 MoReg 1928		
15 CSR 30-8.030	Secretary of State		28 MoReg 1928		
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15 CSR 30-45.040	Secretary of State		28 MoReg 2037R	This IssueR	
			28 MoReg 2038	This Issue	
15 CSR 30-50.010	Secretary of State	28 MoReg 1616	28 MoReg 1664	29 MoReg 97	
15 CSR 30-50.020	Secretary of State	28 MoReg 1617	28 MoReg 1665	29 MoReg 97	
15 CSR 30-50.030	Secretary of State	28 MoReg 1617	28 MoReg 1666	29 MoReg 97	
15 CSR 30-50.040	Secretary of State	28 MoReg 1618	28 MoReg 1667	29 MoReg 97	
15 CSR 30-51.010	Secretary of State	28 MoReg 1619	28 MoReg 1668	29 MoReg 98	
15 CSR 30-51.020	Secretary of State	28 MoReg 1620	28 MoReg 1668	29 MoReg 98	
15 CSR 30-51.030	Secretary of State	28 MoReg 1620	28 MoReg 1669	29 MoReg 98	
15 CSR 30-51.040	Secretary of State	28 MoReg 1620	28 MoReg 1669	29 MoReg 98	
15 CSR 30-51.050	Secretary of State	28 MoReg 1620	28 MoReg 1670	29 MoReg 98	
15 CSR 30-51.060	Secretary of State	28 MoReg 1622	28 MoReg 1670	29 MoReg 99	
15 CSR 30-51.070	Secretary of State	28 MoReg 1623	28 MoReg 1671	29 MoReg 99	
15 CSR 30-51.090	Secretary of State	28 MoReg 1623	28 MoReg 1671	29 MoReg 99	
15 CSR 30-51.100	Secretary of State	28 MoReg 1623	28 MoReg 1672	29 MoReg 99	
15 CSR 30-51.110	Secretary of State	28 MoReg 1624	28 MoReg 1672	29 MoReg 99	
15 CSR 30-51.120	Secretary of State	28 MoReg 1624R	28 MoReg 1672R	29 MoReg 100R	
		28 MoReg 1624	28 MoReg 1672	29 MoReg 100	
15 CSR 30-51.130	Secretary of State	28 MoReg 1625R	28 MoReg 1673R	29 MoReg 100R	
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15 CSR 30-51.140	Secretary of State	28 MoReg 1625R	28 MoReg 1673R	29 MoReg 100R	
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15 CSR 30-51.145	Secretary of State	28 MoReg 1627	28 MoReg 1675	29 MoReg 101	
15 CSR 30-51.150	Secretary of State	28 MoReg 1628R	28 MoReg 1676R	29 MoReg 101R	
15 CSR 30-51.160	Secretary of State	28 MoReg 1628	28 MoReg 1676	29 MoReg 101	
15 CSR 30-51.165	Secretary of State	28 MoReg 1630	28 MoReg 1678	29 MoReg 101	
15 CSR 30-51.169	Secretary of State	28 MoReg 1630	28 MoReg 1678	29 MoReg 101	
15 CSR 30-51.170	Secretary of State	28 MoReg 1632	28 MoReg 1679	29 MoReg 101	
15 CSR 30-51.171	Secretary of State		This Issue		
15 CSR 30-51.180	Secretary of State	28 MoReg 1632	28 MoReg 1680	29 MoReg 102	
15 CSR 30-52.010	Secretary of State	28 MoReg 1633	28 MoReg 1681	29 MoReg 102	
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15 CSR 30-52.020	Secretary of State	28 MoReg 1634	28 MoReg 1682	29 MoReg 102	
15 CSR 30-52.025	Secretary of State	28 MoReg 1634	28 MoReg 1682	29 MoReg 102	
15 CSR 30-52.030	Secretary of State	28 MoReg 1635	28 MoReg 1683	29 MoReg 102	
15 CSR 30-52.100	Secretary of State	28 MoReg 1636	28 MoReg 1683	29 MoReg 103	
15 CSR 30-52.120	Secretary of State	28 MoReg 1636	28 MoReg 1684	29 MoReg 103	
15 CSR 30-52.200	Secretary of State	28 MoReg 1637	28 MoReg 1684	29 MoReg 103	
15 CSR 30-52.260	Secretary of State	28 MoReg 1637	28 MoReg 1684	29 MoReg 103	
15 CSR 30-52.275	Secretary of State	28 MoReg 1638	28 MoReg 1685	29 MoReg 104	
15 CSR 30-52.280	Secretary of State	28 MoReg 1638	28 MoReg 1685	29 MoReg 104	
15 CSR 30-52.300	Secretary of State	28 MoReg 1638	28 MoReg 1686	29 MoReg 104	
15 CSR 30-52.310	Secretary of State	28 MoReg 1639	28 MoReg 1686	29 MoReg 104	
15 CSR 30-52.320	Secretary of State	28 MoReg 1639	28 MoReg 1686	29 MoReg 104	
15 CSR 30-52.330	Secretary of State	28 MoReg 1639	28 MoReg 1687	29 MoReg 105	
15 CSR 30-52.340	Secretary of State	28 MoReg 1640	28 MoReg 1687	29 MoReg 105	
15 CSR 30-53.010	Secretary of State	28 MoReg 1641	28 MoReg 1688	29 MoReg 105	
15 CSR 30-54.010	Secretary of State	28 MoReg 1641	28 MoReg 1688	29 MoReg 105	
15 CSR 30-54.015	Secretary of State	28 MoReg 1642	28 MoReg 1689	29 MoReg 105	
15 CSR 30-54.020	Secretary of State	28 MoReg 1643	28 MoReg 1689	29 MoReg 105	
15 CSR 30-54.030	Secretary of State	28 MoReg 1643R	28 MoReg 1690R	29 MoReg 106R	
15 CSR 30-54.040	Secretary of State	28 MoReg 1643R	28 MoReg 1690R	29 MoReg 106R	
15 CSR 30-54.050	Secretary of State	28 MoReg 1644	28 MoReg 1690	29 MoReg 106	
15 CSR 30-54.060	Secretary of State	28 MoReg 1644	28 MoReg 1691	29 MoReg 106	
15 CSR 30-54.070	Secretary of State	28 MoReg 1644R	28 MoReg 1691R	29 MoReg 106R	
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15 CSR 30-54.080	Secretary of State	28 MoReg 1645R	28 MoReg 1692R	29 MoReg 107R	
15 CSR 30-54.090	Secretary of State	28 MoReg 1646R	28 MoReg 1692R	29 MoReg 107R	
15 CSR 30-54.100	Secretary of State	28 MoReg 1646	28 MoReg 1693	29 MoReg 107	
15 CSR 30-54.110	Secretary of State	28 MoReg 1646	28 MoReg 1693	29 MoReg 107	
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15 CSR 30-54.125	Secretary of State	28 MoReg 1647R	28 MoReg 1694R	29 MoReg 107R	
15 CSR 30-54.130	Secretary of State	28 MoReg 1647R	28 MoReg 1694R	29 MoReg 108R	
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15 CSR 30-54.140	Secretary of State	28 MoReg 1648R	28 MoReg 1695R	29 MoReg 108R	
15 CSR 30-54.150	Secretary of State	28 MoReg 1648	28 MoReg 1695	29 MoReg 108	
15 CSR 30-54.160	Secretary of State	28 MoReg 1649R	28 MoReg 1696R	29 MoReg 108R	
15 CSR 30-54.170	Secretary of State	28 MoReg 1649	28 MoReg 1696	29 MoReg 108	
15 CSR 30-54.175	Secretary of State	28 MoReg 1985	28 MoReg 2041	This Issue	
15 CSR 30-54.183	Secretary of State	28 MoReg 1650	28 MoReg 1696	29 MoReg 109	
15 CSR 30-54.190	Secretary of State	28 MoReg 1650R	28 MoReg 1696R	29 MoReg 109R	
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15 CSR 30-54.210	Secretary of State	28 MoReg 1651	28 MoReg 1698	29 MoReg 109	
15 CSR 30-54.215	Secretary of State	28 MoReg 1652	28 MoReg 1698	29 MoReg 109	
15 CSR 30-54.220	Secretary of State	28 MoReg 1652	28 MoReg 1699	29 MoReg 110	
15 CSR 30-54.230	Secretary of State		28 MoReg 2041R	This IssueR	
15 CSR 30-54.240	Secretary of State		28 MoReg 2041R	This IssueR	
15 CSR 30-54.250	Secretary of State	28 MoReg 1654	28 MoReg 1700	29 MoReg 110	
15 CSR 30-54.260	Secretary of State	28 MoReg 1655	28 MoReg 1701	29 MoReg 110	
15 CSR 30-54.280	Secretary of State		28 MoReg 2042R	This IssueR	
15 CSR 30-54.290	Secretary of State	28 MoReg 1655	28 MoReg 1702	29 MoReg 110	
15 CSR 30-55.010	Secretary of State	28 MoReg 1656	28 MoReg 1702	29 MoReg 110	
15 CSR 30-55.020	Secretary of State	28 MoReg 1656	28 MoReg 1702	29 MoReg 111	
15 CSR 30-55.025	Secretary of State	28 MoReg 1657	28 MoReg 1703	29 MoReg 111	
15 CSR 30-55.030	Secretary of State	28 MoReg 1657	28 MoReg 1703	29 MoReg 111	
15 CSR 30-55.040	Secretary of State	28 MoReg 1657	28 MoReg 1703	29 MoReg 111	
15 CSR 30-55.050	Secretary of State	28 MoReg 1658	28 MoReg 1703	29 MoReg 111	
15 CSR 30-55.060	Secretary of State	28 MoReg 1658	28 MoReg 1704	29 MoReg 111	
15 CSR 30-55.070	Secretary of State	28 MoReg 1658	28 MoReg 1704	29 MoReg 112	
15 CSR 30-55.080	Secretary of State	28 MoReg 1658	28 MoReg 1704	29 MoReg 112	
15 CSR 30-55.090	Secretary of State	28 MoReg 1659	28 MoReg 1704	29 MoReg 112	
15 CSR 30-55.100	Secretary of State	28 MoReg 1659	28 MoReg 1705	29 MoReg 112	
15 CSR 30-55.110	Secretary of State	28 MoReg 1659	28 MoReg 1705	29 MoReg 112	
15 CSR 30-55.220	Secretary of State	28 MoReg 1660	28 MoReg 1705	29 MoReg 112	
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16 CSR 10-4.005	The Public School Retirement System of Missouri		28 MoReg 1705	29 MoReg 113	
16 CSR 10-4.012	The Public School Retirement System of Missouri		28 MoReg 1706	29 MoReg 113	
16 CSR 10-4.014	The Public School Retirement System of Missouri		28 MoReg 1707	29 MoReg 113	
16 CSR 10-5.010	The Public School Retirement System of Missouri		28 MoReg 1709	29 MoReg 113	
16 CSR 10-6.010	The Public School Retirement System of Missouri		28 MoReg 1709	29 MoReg 115	
16 CSR 10-6.045	The Public School Retirement System of Missouri		28 MoReg 1709	29 MoReg 115	
16 CSR 10-6.060	The Public School Retirement System of Missouri		28 MoReg 1712	29 MoReg 115	
16 CSR 50-20.030	The County Employees' Retirement Fund		28 MoReg 1713	29 MoReg 115	
16 CSR 50-20.050	The County Employees' Retirement Fund		28 MoReg 1713	29 MoReg 116	
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19 CSR 15-4.060	Division of Senior Services	28 MoReg 1756	28 MoReg 1837	29 MoReg 116	
19 CSR 20-28.010	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 1933		
19 CSR 25-30.051	Division of Administration		29 MoReg 328		
19 CSR 25-33.010	Division of Administration		28 MoReg 2163		
19 CSR 25-34.010	Division of Administration		28 MoReg 2164R		
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19 CSR 30-82.015	Division of Health Standards and Licensure	28 MoReg 1756	28 MoReg 1837	29 MoReg 116	
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19 CSR 30-85.042	Division of Health Standards and Licensure	28 MoReg 1758	28 MoReg 1839	29 MoReg 117	
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19 CSR 60-50	Missouri Health Facilities Review Committee				28 MoReg 2057 28 MoReg 2265 29 MoReg 119 29 MoReg 226
19 CSR 60-50.300	Missouri Health Facilities Review Committee		28 MoReg 1189	29 MoReg 224W	
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19 CSR 60-50.420	Missouri Health Facilities Review Committee		28 MoReg 1196	29 MoReg 225W	
19 CSR 60-50.450	Missouri Health Facilities Review Committee		28 MoReg 1202	29 MoReg 225W	
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20 CSR	Medical Malpractice				26 MoReg 599 27 MoReg 415 28 MoReg 489
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20 CSR 200-1.025	Financial Examination		28 MoReg 1713	29 MoReg 117	
20 CSR 200-1.030	Financial Examination		28 MoReg 1714	29 MoReg 117	
20 CSR 200-10.100	Financial Examination		28 MoReg 1714	29 MoReg 118	
20 CSR 400-7.095	Life, Annuities and Health		29 MoReg 328		
20 CSR 400-7.200	Life, Annuities and Health		28 MoReg 1715		
20 CSR 600-1.020	Statistical Reporting		29 MoReg 207		
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22 CSR 10-1.010	Health Care Plan		29 MoReg 208		
22 CSR 10-1.020	Health Care Plan		29 MoReg 208		
22 CSR 10-2.010	Health Care Plan		29 MoReg 209		
22 CSR 10-2.020	Health Care Plan	29 MoReg 87	29 MoReg 209		
22 CSR 10-2.080	Health Care Plan		29 MoReg 210		

Emergency Rules in Effect as of March 1, 2004**Publication****Expires****Office of Administration****Commissioner of Administration**

1 CSR 10-18.010 Retirement Policy 28 MoReg 1615 March 9, 2004

Division of Facilities Management

1 CSR 35-1.050 Public Use of State Facilities 28 MoReg 1983 April 15, 2004

1 CSR 35-2.030 Administration of the Leasing Process 28 MoReg 1984 April 15, 2004

Department of Agriculture**Weights and Measures**

2 CSR 90-11.010 ANSI K61.1, Safety Requirements for the Storage and
Handling of Anhydrous Ammonia 28 MoReg 2207 May 12, 2004

Department of Economic Development**Public Service Commission**

4 CSR 240-32.180 Definitions—Caller Identification Blocking Service 28 MoReg 1891 April 2, 2004

4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service 28 MoReg 1891 April 2, 2004

Department of Revenue**Director of Revenue**

12 CSR 10-41.010 Annual Adjusted Rate of Interest 20 MoReg 2207 June 28, 2004

Department of Social Services**Children's Division**

13 CSR 35-80.010 Residential Foster Care Maintenance Methodology 29 MoReg 261 July 23, 2004

13 CSR 35-80.020 Residential Care Agency Cost Reporting System 29 MoReg 262 July 23, 2004

13 CSR 40-19.020 Low Income Home Energy Assistance Program 28 MoReg 1892 March 28, 2004

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13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 28 MoReg 1755 March 15, 2004

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15 CSR 30-50.010 Definitions 28 MoReg 1616 March 9, 2004

15 CSR 30-50.020 General Instructions 28 MoReg 1617 March 9, 2004

15 CSR 30-50.030 Fees 28 MoReg 1617 March 9, 2004

15 CSR 30-50.040 Forms 28 MoReg 1618 March 9, 2004

15 CSR 30-51.010 General Instructions 28 MoReg 1619 March 9, 2004

15 CSR 30-51.020 Applications for Registration or Notice Filings 28 MoReg 1620 March 9, 2004

15 CSR 30-51.030 Examination Requirement 28 MoReg 1620 March 9, 2004

15 CSR 30-51.040 Financial Statements 28 MoReg 1621 March 9, 2004

15 CSR 30-51.050 Net Capital Requirements for Broker-Dealers 28 MoReg 1621 March 9, 2004

15 CSR 30-51.060 Broker-Dealer Notice of Net Capital Deficiency 28 MoReg 1622 March 9, 2004

15 CSR 30-51.070 Minimum Net Worth Requirements for Investment Advisers 28 MoReg 1623 March 9, 2004

15 CSR 30-51.090 Segregation of Accounts by Broker-Dealers 28 MoReg 1623 March 9, 2004

15 CSR 30-51.100 Custody of Securities or Funds by Investment Advisers 28 MoReg 1623 March 9, 2004

15 CSR 30-51.110 Confirmations 28 MoReg 1624 March 9, 2004

15 CSR 30-51.120 Records Required of Broker-Dealers 28 MoReg 1624 March 9, 2004

15 CSR 30-51.120 Records Required of Broker-Dealers 28 MoReg 1624 March 9, 2004

15 CSR 30-51.130 Records to be Preserved by Broker-Dealers 28 MoReg 1625 March 9, 2004

15 CSR 30-51.130 Records to be Preserved by Broker-Dealers 28 MoReg 1625 March 9, 2004

15 CSR 30-51.140 Records Required of Investment Advisers 28 MoReg 1625 March 9, 2004

15 CSR 30-51.140 Records Required of and to be Preserved by Investment Advisers 28 MoReg 1626 March 9, 2004

15 CSR 30-51.145 Compensation Arrangements Involving Investment Advisers 28 MoReg 1627 March 9, 2004

15 CSR 30-51.150 Records to be Preserved by Investment Advisers 28 MoReg 1628 March 9, 2004

15 CSR 30-51.160 Effectiveness and Post-Effective Requirements 28 MoReg 1628 March 16, 2004

15 CSR 30-51.165 Networking Arrangements between Broker-Dealers and Banks,
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15 CSR 30-51.169 Fraudulent Practices of Broker-Dealers and Agents 28 MoReg 1630 March 9, 2004

15 CSR 30-51.170 Denial, Revocation and Suspension of Registration 28 MoReg 1632 March 9, 2004

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19 CSR 15-4.060	State Long-Term Care Ombudsman Program	28 MoReg 1756	March 19, 2004
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19 CSR 30-82.060	Hiring Restrictions—Good Cause Waiver.	28 MoReg 1986	April 22, 2004
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19 CSR 30-85.042	Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities	28 MoReg 1758	March 19, 2004
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22 CSR 10-2.020	Membership Agreement and Participation Period	29 MoReg 87	June 29, 2004
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04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
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04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301

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03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 3, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-08	Lists Governor's staff who have supervisory authority over departments	September 4, 2003	28 MoReg 1556
03-09	Lists Governor's staff who have supervisory authority over departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares disaster areas due to May 4 tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to assist in areas harmed by the May 4 tornadoes	May 5, 2003	28 MoReg 952
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03-15	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
03-16	Establishes the Missouri Commission on Patient Safety	October 1, 2003	28 MoReg 1760
03-17	Creates the Governor's Committee to End Chronic Homelessness	October 8, 2003	28 MoReg 1899
03-18	Designates the Missouri State Highway Patrol within the Department of Public Safety as lead agency in state communications	December 10, 2003	29 MoReg 7
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03-20	Requires configuration of two-way radios used by agencies of the state of Missouri to include established interoperability channels as specified by the State Interoperability Executive Committee	December 10, 2003	29 MoReg 12
03-21	Closes state offices Friday, November 28 and Friday, December 26, 2003	October 24, 2003	28 MoReg 1989
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03-23	Adds the functions of a State Citizen Council to the Disaster Recovery Partnership	December 10, 2003	29 MoReg 16
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03-25	Requires state agencies to adopt cyber security policies and procedures. Designates the Office of Information Technology as principal forum to improve policies and procedures	December 10, 2003	29 MoReg 18
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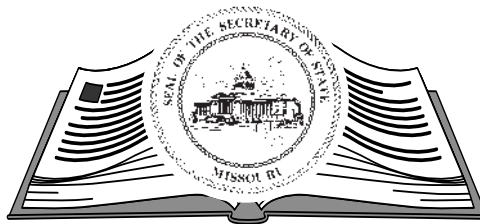


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